



W.P.(MD)No.6594 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.09.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.6594 of 2022

S.Sridhar

.. Petitioner

Versus

1.The Inspector General of Registration,
Registration Department,
Santhome,
Chennai.

2.The District Registrar,
Registration Department,
Sivagangai District,
Sivagangai.

3.The Sub-Registrar (Joint-II),
Sivagangai,
Sivagangai District.

4.Kalimuthu Ammal

5.Ramya

(R5 is impleaded vide Court Order
dated 25.08.2022)

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to consider petitioner's appeal dated 14.03.2022 relating to land measuring to an extent of 5 Acre situated in Survey No.16/21, Thiraniyendhal Group, Utkadai



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Santhankulam Village, Sivagangai Taluk, Sivagangai District within reasonable time period fixed by this Court by affording reasonable opportunity of hearing.

For Petitioner	:	Mr.V.Sukumar
For R1 to R3	:	Mr.K.S.Selvaganesan
		Additional Government Pleader
For R5	:	Mr.V.Angusamy

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent to consider petitioner's appeal, dated 14.03.2022 relating to land measuring to an extent of 5 Acre situated in Survey No.16/21, Thiraniyendhal Group, Utkadai Santhankulam Village, Sivagangai Taluk, Sivagangai District within a reasonable time period fixed by this Court by affording reasonable opportunity of hearing.

2.The learned counsel appearing for the petitioner would submit that the subject property is originally belonged to Thangaraj. The said Thangaraj conveyed the subject property in favour of one Muniyandi. The said Muniyandi conveyed the subject property in favour of the petitioner. He was put into exclusive possession and enjoyment of the subject property. Without issuing proper summon and in the absence of the petitioner and without following due process of law, the second respondent passed an order in Na.Ka.No.259/E1/2017, dated 23.05.2017 against the petitioner. Due to his



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old age ailments, he went to Chennai and stay along with his son and hence, he is not known about the above said order of the second respondent. Thereafter, he approached the third respondent and requested to provide the above said order of the second respondent. The second respondent had not issued any notice to the petitioner as per the Circular in letter No.41539/U1/2017, dated 08.11.2017. The second respondent exceeded his jurisdiction and decided the title of the parties.

3. The grievance of the fourth respondent is that by making impersonation, the sale deed in Document No.473 of 1995, dated 28.02.1995 registered on the file of the Sub-Registrar (Joint-II), Sivagangai District and sale deed in Document No.1822 of 1996 dated 26.08.1996 registered on the file of the Sub-Registrar (Joint-II), Sivagangai, were created. Without issuing notice to witness of the said document and ascertaining the execution of documents in whose presence executed, cancelling the petitioner's sale deed is against the various circulars issued by the first respondent. Under these circumstances, the petitioner filed an appeal on 14.03.2022 before the first respondent seeking to set aside the Ex-parte order of the second respondent in Na.Ka.No.259/E1/2017 dated 23.05.2017 and also seeking to cancel subsequent Settlement deed in Document No.1188 of 2017, dated 03.07.2017 registered on the file of the Sub-Registrar (Joint-II), Sivagangai. The said



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appeal is pending before the first respondent. The fourth and fifth respondents were attempted to create documents. Hence, he has filed the present writ petition for the above said prayer.

4.The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that appropriate direction may be given to the respondents to consider the petitioner's appeal, dated 14.03.2022, in accordance with law, within a time frame.

5.Considering the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the Petitioner's appeal dated 14.03.2022 and pass appropriate orders on merits and in accordance with Law, within a period of 12 weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands disposed of with the above directions. No costs.

Index : Yes/No
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To

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- 1.The Director of Elementary Education,
Directorate of Elementary Education,
DPI Compound,
College Road,
Chennai.
- 2.The Chief Educational Officer,
Tenkasi District,
Tenkasi.
- 3.The District Educational Officer,
Sankarankovil Educational District,
Sankarankovil, Tenkasi.
- 4.The Block Educational Officer,
Alangulam Range,
Tenkasi District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD) No.6594 of 2022

26.09.2022