



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.8376 of 2022

and

W.M.P. (MD) .Nos.6213 and 6215 of 2022

B.Srinivasan Raja @ B.Suresh

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Virudhunagar.

2.The Tahsildar,
Adi Dravidar Welfare Department,
Srivilliputhur Taluk,
Srivilliputhur,
Virudhunagar District.

3.The Executive Officer,
Town Panchayat,
Mamsapuram,
Srivilliputhur Taluk,
Virudhunagar District.

4.The Sub Registrar,
Office of the Sub Registrar,
Srivilliputhur.

5.P.Mahalingam

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the fourth respondent herein to receive and release the sale documents if it is otherwise in accordance with law in respect of the petitioner's properties of 112 plots in Survey Nos.116/1, 117/1, 117/2 and 117/3 in Mamsapuram Town Panchayat as contained in the third respondent's communication in Na.Ka.No.240/2020 dated 30.07.2021.

For Petitioner : Mr.R.R.Kannan

For R-1, R-2 and R-4 : Mr.S.Shanmugavel,

Additional Government Pleader.



ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the fourth respondent to receive and release the sale documents, if they are otherwise in accordance with law in respect of the petitioner's properties of 112 plots in Survey Nos.116/1, 117/1, 117/2 and 117/3 in Mamsapuram Town Panchayat as contained in the third respondent's communication in Na.Ka.No.240/2020 dated 30.07.2021.

2. It is the contention of the petitioner that based on a false complaint given by the fifth respondent, the fourth respondent is not registering the sale documents presented by the petitioner for registration pertaining to the aforementioned properties. He has given a representation on 13.04.2022 requesting the fourth respondent to register the documents. Since the representation has not been considered till date, he has filed this Writ Petition.

3. Heard Mr.R.R.Kannan, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1, 2 and 4.

4. The learned Additional Government Pleader appearing for the official respondents, on instructions, would submit that enquiry has already been initiated by the fourth respondent based on the petitioner's representation and notice has been issued to the petitioner as well as the fifth respondent.

5. A positive direction as sought for in this Writ Petition which cannot be granted by this Court at this stage. The only relief that can be granted by this Court at this stage is to direct the fourth respondent to consider the petitioner's representation on merits and in accordance with law after affording a fair hearing to the petitioner and the fifth respondent. Learned counsel for the petitioner is also agreeable for the same.

6. For the foregoing reasons, this Court directs the fourth respondent to consider the petitioner's representation dated 13.04.2022 seeking to receive and release the sale documents presented by him for registration in respect of the properties of 112 plots in Survey Nos.116/1, 117/1, 117/2 and 117/3 in Mamsapuram Town Panchayat as contained in the third respondent's communication in Na.Ka.No.240/2020 dated 30.07.2021 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the fifth respondent and any other necessary party, whom the fourth respondent deems fit to enquire, including granting them the right of personal hearing, within a period of eight (8) weeks from the date of receipt of a copy of this order.



7. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

To

1.The District Collector,
Collectorate,
Virudhunagar.

2.The Tahsildar,
Adi Dravidar Welfare Department,
Srivilliputhur Taluk,
Srivilliputhur,
Virudhunagar District.

3.The Sub Registrar,
Office of the Sub Registrar,
Srivilliputhur.

Copy to:

The Executive Officer,
Town Panchayat,
Mamsapuram,
Srivilliputhur Taluk,
Virudhunagar District.

+1 CC to M/s.R.R. KANNAN, Advocate (SR-22183[F] dated 28/04/2022)

+1 CC to M/s.SPL. GP (SR-22074[F] dated 28/04/2022 & SR-23048[F] dated 29/04/2022)

**W.P. (MD) .No.8376 of 2022
28.04.2022**

MGJ(16.05.2022) 3P 7C