



W.P.(MD)No.17826 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.09.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.17826 of 2022

N.S.Ponnaiah

.. Petitioner

Versus

1.The Sub-Registrar,
O/o.the Sub Registrar's Office at
Usilampatti,
Madurai Road,
Usilampatti Town,
Madurai District.

2.The District Registrar,
O/o. the District Registrar Office,
Rajakambeeram,
Y. Othakadai Village,
Madurai East Taluk,
Madurai District.

3.Mayandi Thevar, S/o.Chinna Thevar

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation, dated 06.06.2022 and to make suitable rectification in the sale deed in Document No.868, dated 07.05.1985.

For Petitioner : Mr.N.S.Ponnaiah
Party-in-Person

For Respondents 1 & 2 : Mr.S.R.A.Ramachandran
Additional Government Pleader



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ORDER

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2.The petitioner herein, who is a practicing Advocate, appeared in Party-in-Person, had filed this Writ Petition stating that he had purchased 4 Acres and 56 Cents of land, situated at Doddappanayacknoor Village, Usilampatti Taluk, Madurai District, by registered Document No.2482, dated 17.09.1973. He is in possession and enjoyment of the said land from the date of purchase. He has got coconut trees in the said land along with other adjoining sides of the land. Patta No.1645 stands in his name and he wanted to sell the entire landed property, including the extent of 1 Acres and 14 Cents of land in S.No.270/3 on 30.01.2022 to one Sathya, W/o.Alalady.

3.The first respondent refused to register the same on the ground that there is an encumbrance, in which, the third respondent and his deceased son namely, Mani had wrongly entered their names in Document No.868, alleged to have been purchased from one Sakkaraiyammal, on 07.05.1985. Since the intention of the petitioner to sell the land to some third parties could not be completed, he sent a representation to the first respondent on 06.06.2022 to consider the said request and delete the wrong entry made in the sale deed,

<https://www.mhc.tri.gov.in/judis> bearing Document No.868, dated 07.05.1985. However, the first respondent



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had issued a letter, dated Nil, referring to the representation of the petitioner, dated 06.06.2022, asking the petitioner to produce a certified copy of the sale deed bearing Document No.868 of 1985 along with encumbrance certificate.

4.In pursuant to the said letter, the petitioner had sent a representation dated 18.06.2022, to the first respondent, enclosing all the relevant documents, which were asked by the first respondent. Thereafter, no action has been taken. Hence, the present Writ Petition.

5.Mr.S.R.A.Ramachandran, learned Additional Government Pleader appearing for the respondents 1 and 2 submits that the petitioner had sent the representation dated 18.06.2022 to the first respondent without mentioning his name and address and therefore, he may be directed to send a fresh representation, mentioning all the details and also enclosing all the relevant certified copies of the documents, the same would be considered in accordance with law, within the time stipulated by this Court.

6.Considering the submissions made by the learned counsel on either side, without going into the merits of the case, this Court directs the petitioner to submit a fresh representation, mentioning all the details and also enclosing all the relevant certified copies of the documents to the first respondent within



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first respondent is directed to consider the said representation and pass suitable orders on merits and in accordance with law, after affording an opportunity of personal hearing to the parties concerned, especially, the third respondent herein, within a period of 12 weeks thereafter.

7.With the above directions, this Writ Petition is disposed of. No costs.

05.09.2022

Index : Yes/No
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To

- 1.The Sub-Registrar,
O/o.the Sub Registrar's Office at
Usilampatti,
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Usilampatti Town,
Madurai District.
- 2.The District Registrar,
O/o. the District Registrar Office,
Rajakambeeram,
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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD)No.17826 of 2022

05.09.2022