



W.P.(MD)No.22042 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.09.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.22042 of 2022

Arun, S/o.Late. Ramanathan

.. Petitioner

Versus

1.The District Registrar (Administration),
Karur District,
Karur.

2.The Sub-Registrar,
Nangavaram Sub-Registrar's Office,
Nangavaram,
Karur District.

3.Amirtham, W/o.Late. Arunachalam

4.Rajaboopathi, S/o.Arunachalam

5.Rajasekaran, S/o.Late. Arunachalam

6.Kalidoss, S/o.Late. Arunachalam

7.Sivanantham, S/o.Late. Arunachalam

8.Muruganantham, S/o.Late. Arunachalam

9.Buvaneswari, W/o.Vengatasubramani

10.Umamaheswari, W/o.Chinnadurai

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying

<https://www.mhc.triforcetv.in/judis> for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to



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conduct an enquiry as per Circular of the Inspector General of Registration, Chennai, in Circular No.4153/U1/2017, dated 08.11.2017, on the basis of the petitioner's representation, dated 08.06.2022, consequently, to remove all the entries in the encumbrance in respect of Document No.998/2012, dated 24.09.2012, and further transaction in respect of S.F.No.187/2, for an extent of 16 cents, situated at Palaiyur, Perugamani Village, Thriuvaram Taluk, Trichy District.

For Petitioner : Mr.T.Vadivelan

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

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to conduct an enquiry as per Circular of the Inspector General of Registration, Chennai, in Circular No.4153/U1/2017, dated 08.11.2017, on the basis of his representation, dated 08.06.2022, consequently, to remove all the entries in the encumbrance in respect of Document No. 998/2012, dated 24.09.2012, and further transaction in respect of S.F.No. 187/2, for an extent of 16 cents, situated at Palaiyur, Perugamani Village, Thriuvaram Taluk, Trichy District.

2.Heard Mr.T.Vadivelan, learned counsel appearing for the petitioner and Mr.S.R.A.Ramachandran, learned Additional Government Pleader, who takes notice for the respondents 1 and 2. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3.Having regard to the nature of the order proposed to be passed in this

Writ Petition, notice to the respondents 4 to 10 is dispensed with.

4.The learned counsel appearing for the petitioner submits that the petitioner's father namely, Ramanathan had purchased the property comprised in S.F.Nos.187/1 and 187/5, measuring an extent of 0.57.00 Hectares, situated at Palaiyur, Perugamani Village, Thiruvarangam Taluk, Trichy District, through a registered sale deed in Document No.480 of 1991. In respect of the above said property, Patta No.188 also stands in the name of the petitioner's father. The learned counsel further submits that the property in Survey No. 187/2, measuring an extent of 0.37.50 Hectares, which is situated in between S.F.Nos.187/1 and 187/5, belonged to one Late.Arunachalam and respondents 3 to 10, who are the legal heirs of the said Arunachalam, are enjoying the said properties. The petitioner's father and the said Arunachalam were facing practical difficulties while cultivating their lands at monsoon time and also at the time of export and import of goods. Therefore, it was decided by the petitioner's father and the said Arunachalam to exchange the properties in respect of S.No.187/2, measuring an extent of 16 cents in favour of the petitioner's father and S.No.187/5, measuring an extent of 16 cents in favour of the said Arunachalam and the same was registered vide Document No.59 of 1998, dated 09.02.1998, without any consideration, on the file of the second



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respondent and the entire transaction was reflected in the Encumbrance Certificate. Later, the legal heirs of the said Arunachalam entered into a partition, including S.F.No.187/2. According to exchange, S.F.No.187/2 was in the petitioner's father's possession and S.F.No.187/5 was in possession of the said Arunachalam. Now, the respondents 3 to 10 with an intention to grab the property, suppressing the earlier transaction, registered the property in their favour, vide Document No.998/2012, dated 24.09.2012 and Patta was also mutated.

5.The learned counsel for the petitioner further submits that the second respondent is duty bound to verify the genuineness of the documents, Encumbrance Certificate, earlier revenue records, the present title holders and the rights of the parties to alienate the properties, but, without following any mandate prescribed in the Registration Act and the Circulars of the Inspector General of Registration, the second respondent registered the property in favour of the private respondents 3 to 10, vide Document No.998/2012, dated 24.09.2012. Therefore, the petitioner sent a representation to the respondents 1 and 2 on 08.06.2022 to cancel the said document. However, till date, no action has been taken on the petitioner's representation. Hence, the present Writ Petition.



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6.The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the petitioner's representation dated 08.06.2022, would be considered by the respondents 1 and 2 in accordance with law, within a time frame.

7.Considering the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the respondents 1 and 2 to consider the petitioner's representation, dated 08.06.2022 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the parties concerned, especially, the respondents 3 to 10 herein, within a period of 12 weeks from the date of receipt of a copy of this order.

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

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To

1.The District Registrar (Administration),
Karur District,
Karur.

2.The Sub-Registrar,
Nangavaram Sub-Registrar's Office,
Nangavaram,
Karur District.



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V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
W.P.(MD) No.22042 of 2022

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