



W.P.(MD)No.26099 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.11.2022

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THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26099 of 2022

S.A.Mohamed Ibrahim

.. Petitioner

Versus

1.The District Registrar (Admn.),
Registration Department,
Thoothukudi District,
Virudhunagar.

2.Paulpandi,
Managing Trustee,
Thevanesam Erudhaya Ammal Educational Trust,
3/52, Krishnarajapuram,
Thoothukudi.

3.Easu Gnana Swaik, S/o.Sathyanathan

.. 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 conduct enquiry and pass order in the petition submitted by the petitioner on 04.03.2022.

For Petitioner : Mr.A.Srinivasan

For 1st Respondent : Mr.K.S.Selvaganesan
Additional Government Pleader



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ORDER

WEB COPY The petitioner has approached this Court seeking a direction to the first respondent to conduct enquiry and pass orders on the petition submitted by him on 04.03.2022.

2. Heard Mr.A.Srinivasan, learned counsel for the petitioner and Mr.K.S.Selvaganesan, learned Additional Government Pleader, who accepts notice on behalf of the first respondent. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 2 and 3 is dispensed with.

4. According to the learned counsel for the petitioner, the properties bearing S.Nos.154/15Y and 154/15Z, measuring an extent of 6 Acres and 60 Cents were purchased by the petitioner's father and his brother on 16.02.1960. As they were residing at Chennai, they leased the said land along with palm trees. Taking advantage of the same, one Sathak Ammal, who owns a land in S.No.164/15W1, created records and annexed the property in S.Nos.154/15Y and 154/15Z, by using the similarity of the name of her husband and the name



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of the petitioner's father's vendor, namely Sahul Hameed. Subsequently, one Mohameda Beevi, who is the daughter of Sathak Ammal, had executed a Power of Attorney in favour of the third respondent, who sold the property to Anabalagan, through a sale deed, dated 06.06.2005 and subsequently, the said Anbalagan has given the property by way of a gift deed, dated 23.12.2009, in favour of the second respondent. All the above said transactions were made by the persons, who do not have any right over the property, and a suit in O.S.No.112 of 2014 filed by the second respondent before the Sub-Court, Kovilpatti, was dismissed for default on 08.12.2017. Hence, the petitioner made a petition to the first respondent on 04.03.2022 to initiate appropriate action under the provisions of the Registration Act to conduct enquiry with regard to the aforesaid impersonation. The first respondent has not considered the same so far. Therefore, the petitioner has filed the present Writ Petition for the relief stated supra.

5. The learned Additional Government Pleader appearing for the first respondent submitted that the enquiry would be conducted and appropriate orders would be passed on merits and in accordance with law, within a time frame.



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6. Recording the aforesaid submission made by the learned Additional Government Pleader appearing for the first respondent, this Court, without going into the merits of the case, directs the first respondent to conduct an enquiry on the petition submitted by the petitioner, dated 04.03.2022, and pass appropriate orders on merits and in accordance with law, after issuing notice to all the necessary parties concerned, within a period of 16 weeks from the date of receipt of a copy of this order.

7. This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
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18.11.2022

To

The District Registrar (Admn.),
Registration Department,
Thoothukudi District,
Virudhunagar.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD)No.26099 of 2022

18.11.2022