



W.P.(MD)No.26182 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.26182 of 2022

Selva Meena

.. Petitioner

Vs.

1.The District Registrar,
Thoothukudi,
Thoothukudi District.

2.The Sub Registrar,
Vilathikulam,
Thoothukudi District.

3.Arumugam

4.Isaac

.. 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 cancel the sale deed No.2492 of 2022 dated 15.06.2022 executed by the fourth respondent in favour of the third respondent registered on the file of the second respondent based on the representation dated 22.06.2022.

For Petitioner	: Mr.R.Murugan
For R1 & R2	: Mr.S.R.A.Ramachandran Additional Government Pleader



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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to cancel the sale deed No.2492 of 2022, dated 15.06.2022 executed by the fourth respondent in favour of the third respondent registered on the file of the second respondent based on the representation, dated 22.06.2022.

2.Heard Mr.R.Murugan, learned counsel for the petitioner and Mr.S.R.A.Ramachandran, learned Additional Government Pleader, who takes notice for the first and second respondents. Considering the nature of order proposed to be passed in this writ petition, notice to the respondents 3 and 4 is dispensed with. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The grievance of the petitioner is that the petitioner is the owner of the petition mentioned property. However, the fourth respondent had executed a registered sale deed in favour of the third respondent without having any right over the property. The second respondent without verifying the records had registered the said sale deed.



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4. The learned counsel for the petitioner submitted that the petition mentioned property was gifted by the mother of the petitioner through a registered Will, dated 16.02.1998 by her mother. After the death of the petitioner's mother, the petitioner was in possession and enjoyment of the property. While so, the fourth respondent, who is a stranger to the property, had executed a sale deed in favour of the third respondent. The same was also registered without verifying the records. Hence, the petitioner made a representation to the respondents seeking to cancel the sale deed executed in favour of the third respondent. After conducting enquiry, the respondents had not taken any action. Hence, the petitioner has filed the present writ petition.

5. Though larger relief has been sought by the petitioner in this writ petition, now the petitioner confined his relief that it would suffice to issue a direction to the official respondents to consider the petitioner's representation, dated 22.06.2022.

6. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, as well as any other necessary party, whom the respondents deems fit to enquire.



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7.Considering the above said submissions, this Court, without expressing any opinion on the merits of the matter, directs the official respondents to consider the petitioner's representation dated 22.06.2022 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well the third and fourth respondents as well as any other necessary party, if any, within a period of sixteen [16] weeks from the date of receipt of a copy of this order.

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

21.11.2022

Index : Yes/No
Internet : Yes/No
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To

1.The District Registrar,
Thoothukudi,
Thoothukudi District.

2.The Sub Registrar,
Vilathikulam,
Thoothukudi District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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21.11.2022