



W.P.(MD)No.27295 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.12.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.27295 of 2022

Amanullah

.. Petitioner

Vs.

1.The District Registrar,
Registration Department,
Pudukkottai,
Pudukkottai District.

2.The Sub Registrar,
Annavaasal,
Pudukkottai District.

3.Madhina Begam

4.Rahamadullah

5.Puroskhan

6.Sheik Alaudeen

7.Akkila Banu

8.Kamila Banu

9.Ramasamy

10.Chidhambaram

.. Respondents



W.P.(MD)No.27295 of 2022

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to direct the 2nd Respondent to take appropriate legal action upon the petitioner's representation dated 03.11.2022 for registering the schedule properties based on the 2nd Respondent's document No. 158 of 2019.

For Petitioner : Mr.NA.Palaniyandi

For Respondents : Mr.K.S.Selvaganesan

Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to direct the second respondent to take appropriate legal action upon the petitioner's representation, dated 03.11.2022 for registering the schedule properties based on the 2nd Respondent's document No.158 of 2019.

2. Heard Mr.NA.Palaniyandi, learned counsel for the petitioner and Mr.K.S.Selvaganesan, learned Additional Government Pleader, who takes notice for the first and second respondents. Since no adverse order is going to be passed against the private respondents herein, notice to the private respondents is hereby dispensed with. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.



W.P.(MD)No.27295 of 2022

3. The grievance of the petitioner is that the official respondents have not taken any legal action upon his representation dated 03.11.2022.

4. The learned counsel for the petitioner submitted that the petitioner and his brothers have jointly purchased the petition mentioned property in their parents' name. On 11.10.2017, the petitioner's father had registered a settlement deed in favour of his daughters, 7th and 8th respondents herein. But, the second respondent had not registered the same. When it came to be known, the petitioner has filed a suit and the same is now pending before the learned Subordinate Judge, Keeranur, Pudukkottai District, in O.S.No.122 of 2022. The petitioner's father has also filed a writ petition in WP(MD)No.1165 of 2018 seeking for a direction to the official respondents to register the settlement deed. On 05.10.2018, he has again filed a settlement deed before the second respondent and the same has also been registered vide Document No.158 of 2018. In these circumstances, the petitioner's father died on 06.11.2019. Now, the petitioner's sisters are trying to alienate the property. In this regard, the petitioner sent a representation, dated 03.11.2022 to the official respondents. Since no action has been taken on the petitioner's representation, the petitioner has approached this Court by way of filing this petition.



W.P.(MD)No.27295 of 2022

5. No prejudice would be caused to the respondents, if the representation of the petitioner dated 03.11.2022 is considered on merits and in accordance with law.

6. It is also submitted by the learned Additional Government Pleader appearing for the official respondents, on instructions, that the petitioner has not produced any valid supporting documents to show that he has the right over the property.

7. Recording the above submission, this Court directs the petitioner to produce valid documents to show that he has the right over the property before the concerned Authority, within a period of one (1) week from the date of receipt of a copy of this order, failure of which, he has to provide the Court Order with regard to his objection for registering the subject property.

8. For the forgoing reasons, this Court without expressing any opinion on the merits of the matter, directs the respondents to consider the representation of the petitioner, dated 03.11.2022 and pass orders on merits and in accordance with law, after affording a fair opportunity of hearing to the petitioner, as well as the rival claimants, if any, within a period of six [6] weeks from the date of receipt of a copy of this order.



W.P.(MD)No.27295 of 2022

WEB COPY 9. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

02.12.2022

Index : Yes/No
Internet : Yes/No
ta

To

- 1.The District Registrar,
Registration Department,
Pudukkottai,
Pudukkottai District.
- 2.The Sub Registrar,
Annavasal,
Pudukkottai District.



WEB COPY



W.P.(MD)No.27295 of 2022

V.BHAVANI SUBBAROYAN, J.

ta

Order made in
W.P.(MD) No.27295 of 2022

02.12.2022