



W.P.No.731 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.731 of 2023
and W.M.P.No.672 of 2023

1.Machavalli
2.P.Murugan

.... Petitioners

-Vs-

- 1.The Inspector General of Registration
O/o The Inspector General of Registration
No.100, Santhome High Road,
Chennai 600 028.
- 2 The District Registrar (Administration)
Santhaimedu, Tindivanam
Villupuram District 604 001
- 3 The Sub-Registrar
O/o The Sub Registrar, Mailam, Tindivanam
Taluk Villupuram District 604 304
- 4 Sivakumar
- 5 Vallarasan

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st Respondent herein to dispose of the Appeal filed by the petitioners before 1st Respondent on 12.12.2022 in Serial No. 3769311 of 2022 as early as possible within a time frame fixed by this Honble Court.



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For Petitioner : Mr.K.Elango
For Respondents : Mr.P.Sathish
Additional Government Pleader
-for RR 1 to 3
Notice Dispensed with – RR 4 and 5

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 1st Respondent herein to dispose of the Appeal filed by the petitioners before 1st Respondent on 12.12.2022 in Serial No. 3769311 of 2022 as early as possible within a time frame fixed by this Honble Court.

2. In respect of the property at Survey No.37/5, Old Survey No.506/4, Keezhedayalam Village, Tindivanam District to the extent of 1 acre, the document already registered by the concerned registering authorities was sought to be declared as fraudulent document and to cancel the same, the 4th respondent seems to have filed a complaint / application before the 2nd respondent / District Registrar against the petitioner. The 2nd respondent District Registrar having considered the said complaint and enquired the same, passed an order on 30.11.2022 declaring it as a document, which is liable to be cancelled.

3. As against the said order, the petitioner preferred an appeal to the 1st respondent on 12.12.2022 and the appeal is pending before the 1st respondent.



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Hence, the petitioner has moved the present writ petition with the aforesaid prayer seeking to issue a direction to the 1st respondent to decide the appeal on merits and in accordance with law within a time frame that may be stipulated by this Court and till such time, the 4th respondent shall not encumber the property in question.

4. Heard Mr.K.Elango learned counsel for the petitioner and Mr.P.Sathish, learned Additional Government Pleader appearing for the official respondents. In view of the order that is going to be passed in this writ petition, notice to the respondents 4 and 5 is hereby dispensed with.

5. Learned Additional Government Pleader would submit that, insofar as the prayer sought for herein to give a direction to the 1st respondent to decide the appeal filed by the petitioner within a time frame is concerned, the said appeal would be considered and decided at the earliest after giving an opportunity of being heard to both sides.

6. Having regard to the said submissions made by the learned Additional Government Pleader and taking note of the aforesaid factual matrix, this Court is inclined to dispose of this writ petition with the following order.



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R. SURESH KUMAR, J.

KST

“ That there shall be a direction to the 1st respondent to decide the appeal filed by the petitioner dated 12.12.2022 against the order passed by the 2nd respondent dated 30.11.2022 on merits and in accordance with law after hearing both sides ie., the petitioner as well as the private respondents herein and pass final orders within a period of eight weeks from the date of receipt of a copy of this order.”

7. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

11.01.2023

1/2

Index : Yes/No

Neutral Citation : Yes/No

Speaking Order / Non-speaking order

KST

To

- 1.The Inspector General of Registration, O/o The Inspector General of Registration, No.100, Santhome High Road, Chennai 600 028.
- 2 The District Registrar (Administration), Santhaimedu, Tindivanam Villupuram District 604 001
- 3 The Sub-Registrar
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