



WEB COPY

W.P. No.29337 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.29337 of 2023

Pangara

... Petitioner

Vs.

1. The District Registrar
Gobichettipalayam
Erode District

2. The Sub-Registrar
Thalavadi
Erode District

3. Rangasamy

4. Rajamma

5. Magesha

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents to cancel the partition deed executed between the 3rd respondent and 4th respondent in Doc. No.668 of 2021 dated 15.06.2021 on the file of the Sub-Registrar, Thalavadi and subsequent settlement deed executed by 3rd respondent in favour of 5th respondent in Doc. No.1056 of 2022 dated 22.06.2022 on the file of Sub-Registrar, Thalavadi based upon petitioner representation dated 13.10.2022.



For Petitioner : Mr.N.Chinnaraj

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
for R1 and R2
R3 to R5 - No Appearance

ORDER

This Writ Petition is filed for writ of Mandamus directing the respondents to cancel the partition deed executed between the 3rd respondent and 4th respondent in Doc. No.668 of 2021 dated 15.06.2021 on the file of the Sub-Registrar, Thalavadi and subsequent settlement deed executed by 3rd respondent in favour of 5th respondent in Doc. No.1056 of 2022 dated 22.06.2022 on the file of Sub-Registrar, Thalavadi based on the petitioner representation dated 13.10.2022.

2.Today, when the matter was taken up for hearing, the learned counsel for the petitioner submitted that it would suffice if a direction is issued to the 2nd respondent to dispose of the petitioner's representation dated 13.10.2022 within a stipulated time as may be fixed by this Court.



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3. Mr. Yogesh Kannadasan, learned Special Government Pleader who takes notice for the respondents 1 and 2 submitted that the 2nd respondent may be directed to consider the petitioner's representation and pass orders on merits in accordance with law.

4. Though notice was served and names printed in the cause list, there is no representation for the private respondents/respondents 3 to 5.

5. Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, this Court directs the 2nd respondent to consider the petitioner's representation dated 13.10.2022 and conduct enquiry and pass orders on merits and in accordance with law, after giving notice to the petitioner and the private respondents 3 to 5 and also interested parties/rival claimants if any, within a period of two months from the date of receipt of a copy of this order.



6. With the above directions, this Writ Petition is disposed of at the admission stage itself. There shall be no order as to costs.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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To

1. The District Registrar
Gobichettipalayam
Erode District

2. The Sub-Registrar
Thalavadi
Erode District



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P.VELMURUGAN. J.

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