



W.P.No.29210 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

CORAM

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.P.No.29210 of 2023

S.Mangaiyarkarasi

... Petitioner

versus

1.The Inspector General of Registration,  
No.10, Santhome High Road,  
Chennai.

2.The District Registrar,  
Thiruvallur District,  
Thiruvallur.

3.The Sub Registrar,  
Office of the Sub Registrar,  
Avadi.

4.T.V.Madhan

5.T.E.Venkatesan

6.Inspector of Police,  
Central Crime Branch,  
Avadi Police Commissionerate,  
Avadi, Chennai -54.

.....Respondents



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Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent to dispose of the appeal made by the petitioner dated 18.05.2023 and consequently direct the sixth respondent not to harass or trouble the petitioner on the guise of enquiry.

For Petitioner : Mr.S.John Josh

For Respondents : Mr.Yogesh Kannadasan  
Special Government Pleader  
for R1 to R3  
Mr.S.Sugendran  
Additional Public Prosecutor  
for R6

### **ORDER**

Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for respondents 1 to 3 and Mr.S.Sugendran, learned Additional Public Prosecutor takes notice for the sixth respondent. By consent of both the parties the writ petition is taken up for final disposal at the admission stage, itself.

2. The petitioner has come up with the present writ petition, for a mandamus, directing the first respondent to dispose of the appeal preferred



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by the petitioner dated 18.05.2023 and consequently direct the sixth respondent not to harass or trouble the petitioner on the guise of enquiry.

3. The learned counsel for the petitioner submitted that the lands measuring Acre 0.61 cents comprised in S.Nos.158/1 and 159/2B originally belonged to one Adhikesava Naicker and subsequently, he executed a sale deed dated 20.04.1987 in favour of one Vilvanathan, who is the father of the four respondent herein. While so, the petitioner purchased Plot Nos.10 and 11 out of the layout in S.Nos.158/1 and 159/2B for valuable consideration by way of cash. However, the said Vilvanathan did not come forward to register the said Plots in the name of the petitioner. After taking much efforts, the petitioner obtained Gift/settlement deed dated 30.08.2002 from the Vilvanathan. Thereafter, the petitioner executed a mortgage deed dated 18.11.2002 registered as Document No.4216 of 2002 in favour of one T.E.Venkatesan/5<sup>th</sup> respondent herein. In order to disturb the peaceful possession and enjoyment of the said properties, the fourth respondent approached the second respondent for cancellation of the said mortgage deed. The second respondent, vide proceedings dated 10.04.2023



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cancelled Document No.4216 of 2002 as a forged document. Challenging the same, the petitioner preferred an appeal before the first respondent dated 18.05.2023, but the same has not been disposed of and hence, the petitioner is before this Court. He further submitted that, based on the impugned order dated 10.04.2023, the sixth respondent had called the petitioner for enquiry on various dates and is unnecessarily harassing the petitioner. Hence, the sixth respondent may be directed not to harass the petitioner.

4. The learned Special Government Pleader appearing for respondents 1 to 3 submitted that the first respondent may be directed to dispose of the appeal filed by the petitioner, dated 18.05.2023 on merits and in accordance with law, within a time frame to be fixed by this Court.

5. In the light of the limited scope of the matter and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the first respondent to dispose of the appeal dated 18.05.2023, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as



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well as all the necessary parties, within a period of three months from the date of receipt of a copy of this order.

6. As far as the relief sought for by the petitioner to direct the sixth respondent not to harass the petitioner is concerned, the petitioner is directed to work out his remedy in the manner known to law.

7. With the above direction, the writ petition stands disposed of. However, there shall be no order as to costs.

**10.10.2023**

Speaking/Non-speaking order  
Index : Yes/No  
Neutral Citation : Yes/No  
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To

- 1.The Inspector General of Registration,  
No.10, Santhome High Road,  
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**P.VELMURUGAN, J.**

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