



W.P.No.21527 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.21527 of 2018

Azhagan

... Petitioner

Vs.

1.The District Registrar,
Erode Registration District,
Erode. Erode District.

2.The Sub-Registrar,
Anthiyur Registration Office,
Anthiyur Post & Taluk, Erode District.

3.Selvan

4.Rajeswari

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent, the District Registrar, Erode to consider the representation dated 29.06.2018 to instruct the second respondent to implement the first respondent's order passed in Na.Ka.No.4870/A1/2013 dated 20.10.2014.

For Petitioner : Mr.V.Vijayakumar

For Respondents 1 & 2 : Mr.P.Anandakumar,
Government Advocate

For Respondents 3 & 4 : Steps due



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ORDER

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The petitioner has filed this petition seeking direction to the first respondent, the District Registrar, Erode to consider the representation dated 29.06.2018 to instruct the second respondent to implement the first respondent's order passed in Na.Ka.No.4870/A1/2013 dated 20.10.2014.

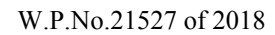
2. The case of the petitioner is that the subject matter property is originally belongs to one Eranna Tmabidi, who sold the same to Mr.Muthusamy Pillai on 20.05.1974, who in turn executed a will in favour of his son Mr.Arjunan and died. The said Arjunan had sold 1/4th shares of his property to the petitioner in R.S.No.376/9 admeasuring 2 Acer 44 cents in Burgur Village on 06.11.1998, vide sale deed Doc.No.191/1998. This being so, the said Arjunan had entered into an agreement for sale with the third respondent for selling his entire property. The third respondent has filed a suit for specific performance and obtained an ex-parte decree in O.S.No.22 of 2001. Thereafter, the petitioner has filed a suit for partition and separate possession of the property against his vendors', third respondent and other and obtained a preliminary decree for partition. Aggrieved over the same, the third respondent has filed appeal, second appeal and special leave petition



respectively and all these petitions were dismissed.

2.1. Subsequently, the third respondent has settled the said property in favour of his daughter i.e., fourth respondent. In respect to such ill encumbrance, the petitioner has approached the first respondent to cancel the ill encumbrance made in favour of the fourth respondent by the third respondent. The first respondent has conducted an enquiry, vide his proceedings Na.Ka.No.4870/A1/2013 dated 20.10.2014 and directed the second respondent to take appropriate action against the respondents 3 & 4 under Section 83 of the Registered Act. But, no action was taken against them. Hence, the petitioner has sent a representation dated 29.06.2018 to the first respondent, requesting him to implement his order passed in Na.Ka.No.4870/A1/2013 dated 20.10.2014, through the second respondent. However, till date, no action has been taken. Aggrieved over the same, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 29.06.2018 and pass orders on merits and in accordance with law,



4. The learned Government Advocate appearing for the respondents 1 & 2 has no objection for said order being passed.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the second respondent to consider the petitioner's representation dated 29.06.2018 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. This writ petition is disposed of with the aforesaid observation and directions. No costs. **24.06.2024**

Index : Yes/No
 Speaking Order : Yes/No
 Neutral Citation : Yes/No



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To:

- 1.The District Registrar,
Erode Registration District,
Erode,
Erode District.
- 2.The Sub-Registrar,
Anthiyur Registration Office,
Anthiyur Post & Taluk,
Erode District.



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W.P.No.21527 of 2018

J.SATHYA NARAYANA PRASAD,J.

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W.P.No.21527 of 2018



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