



W.P.No.15516 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

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

Writ Petition No.15516 of 2019

Suresh Bafna (deceased)

1.Sajjan Kanwar Bafna

2.Adit Bafna

(P1 & P2 impleaded vide order dated 19.07.2024 made in WMP.No.20124 of 2024 in WP.No.15516 of 2019 by JSNPJ)

... Petitioners

Vs.

1.Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai – 600 004.

2.The Sub-Registrar,
Registration Department,
Achirapakkam – 603 301.

3.G.B.Senthil Kumar

4.The District Registrar,
Registration Department,
Chengalpet.

(R4 impleaded vide order dated 19.07.2021 made in WMP.No.15847 of 2021)

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in WP.No.15516 of 2019 by VBDJ)
... Respondents

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PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the fourth respondent to dispose the representation dated 08.09.2016 which has been forwarded to the fourth respondent by the first respondent vide his letter dated 04.10.2016.

For Petitioners : M/s.C.Harini

For Respondents 1,2 & 4 : Mr.P.Ananda Kumar,
Government Advocate

For Respondent 3 : Mr.M.Rajasekhar

ORDER

The petitioner has filed this petition seeking direction to the fourth respondent to dispose the representation dated 08.09.2016 which has been forwarded to the fourth respondent by the first respondent vide his letter dated 04.10.2016.

2. The case of the petitioners is that the petitioner's father viz., Suresh Bafna (deceased) has purchased a property to an extent of Acre 0.27 cents in



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S.No.44/1 and an extent of Acre 0.23 cents in S.No.44/2 at Kesavarayanpettai Village, Cheyyur Taluk, Kanchipuram District from one Pushparaj as per registered deed of sale dated 27.09.1993, registered as Doc.No.1131 of 1993, SRO-Achirapakkam. This being so, one M.Thambiran, brother of previous vendor Seethapathy has filed a suit in O.S.No.341 of 1996 on the file of the District Munsif Court, Madurantakkam claiming that the said properties purchased in the name of his brother M.Seethapathy was the joint family property, which was dismissed on 24.02.2005 by holding that the said properties were independent property of M.Seethapathy.

2.1. Thereafter, M.Thambiran filed a first appeal in A.S.No.17 of 2005 and the same was also dismissed on 23.08.2006. Challenging the same, second appeal in S.A.No.463 of 2007 was filed, which was also dismissed on 27.07.2016. However, M.Thambiran along with his brothers conveyed the above properties in favour of third respondent, as per Registered deed of sale dated 05.09.2013, registered as Doc.No.9405 of 2013, SRO-Acharapakkam by ignoring the earlier sale deed in favour of the petitioner.



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2.2. In this regard, the petitioner lodged a criminal complaint dated 07.06.2017 to the Inspector of Police, Melmaruvathur Police Station against M.Thambiran and others. Since, no action was taken, the petitioner has filed a CrI.O.P.No.14236 of 2017 before this Court and the same was allowed on 28.07.2017 with a direction to the Inspector of Police, Madurantakkam Police State to take action on the complaint lodged by the petitioner. However, no action was taken. Hence, the petitioner has submitted a representation dated 20.12.2018 to the first respondent to cancel the illegal sale deed dated 05.09.2013 Doc.No.9405 of 2013, SRO-Acharapakkam executed by M.Thambiran and others in favour of the third respondent. Since, the representation being made, no action has been taken by the first respondent. Aggrieved over the same, the petitioner has come forward with the present writ petition. Pending this writ petition, the petitioner viz., Suresh Bafna has passed away. Hence, his legal heirs were brought on record by this Court vide order dated 19.07.2024 in W.M.P.No.20124 of 2024.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioners submitted that it would suffice, if this



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Court issues direction to the respondents to consider the petitioner's representation dated 08.09.2016, within a time frame to be fixed by this Court.

4. Learned counsel appearing for the third respondent submitted that subsequent to the filing of this writ petition, the third respondent has filed a suit O.S.No.337 of 2021 before the Principal District Judge, Chengalpet. In that suit, the petitioner herein has filed an application to reject the plaint, which was dismissed on 29.03.2023.

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

6. Considering the limited prayer sought for by the learned counsel for the petitioners, this Court without going into the merits of the case, directs the fourth respondent to consider the petitioner's representation dated



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08.09.2016 by conducting a detailed enquiry after giving due notice to both the parties, affording an opportunity of personal hearing, to consider the relevant documents submitted by both the parties at the time of the enquiry in regard to the subject matter property and pass appropriate orders on merits, in accordance with law and by following/observing the above principles of natural justice, within a period of eight 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.

19.07.2024

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

To:

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2.The Sub-Registrar,
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3.The District Registrar,
Registration Department,
Chengalpet.

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