

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.19916 of 2015

G.Rajan

.. Petitioner

vs

1.The Inspector General of
Registration

100, Santhome High Road
Chennai 600 028

2.The District Registrar
Registration District of
Chennai South

Saidapet, Chennai 600 015

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the second respondent to complete the enquiry upon the complaint of the petitioner dated 27.3.2012, by passing final orders as contemplated in Circular No.67 dated 3.11.2011, issued by the first respondent within a time frame.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.V.Subbiah
Special Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that his father came to be in possession of the property comprised in Survey No.320/1F of Tambaram Village, admeasuring to an extent of 407 square feet, by way of conveyance deed registered as Document No.1474/1990, and prior to that, a suit in O.S.No.379 of 1996 was filed on the file of the Court of District Munsif, Tambaram, for recovery of possession, by one Sambandham Chettiar and in that suit, the father of the petitioner got impleaded himself as a party and subsequently, he executed a Will dated 25.2.2000, in favour of the petitioner, and all the civil proceedings in connection with the said property, had reached finality in the form of judgment in L.P.A.No.59 of 1988 made by this Court as well as the judgment and decree dated 16.11.2007, made in A.S.No.30 of 2006, on the file of the Additional Sub Court, Chengalput.

3.The grievance expressed by the petitioner, is that one G.Lakshmi has executed a sale deed dated 17.2.2012, in favour of Jaichand and Saraswathi Jain, registered as Document No.725 of 2012, on the file of the Sub-Registrar, Tambaram, by claiming title under one Velayutham, who lost before the civil forums, as stated above. According to the petitioner, the said sale deed is nothing but sham, nominal and fraudulent and therefore, invoking Circular No.67 dated 3.11.2011, he made a complaint before the second respondent on 27.3.2012, and it was taken cognizance and the second respondent also issued a notice dated 26.6.2012, calling upon the petitioner to appear before him and accordingly, he appeared and gave a statement on 30.7.2012. The petitioner would state that there was some delay on the part of the second respondent to complete the enquiry in view of the fact that the said Circular was put to challenge in W.P.No.5908/2012 batch etc, and this Court has dismissed all the writ petitions vide common order dated 17.7.2014, and thereby, upheld the validity of the said Circular and thereafter also, the second respondent did not proceed further and hence, the petitioner came forward to file this writ petition.

4.The Court heard the submissions of Mr.S.Saravanan, learned Counsel appearing for the petitioner, and Mr.V.Subbiah, learned Government Pleader, who accepted notice on behalf of the respondents.

5.This Court without going into the merits of the claim projected by the petitioner in this writ petition, directs the second respondent to complete the enquiry in accordance with law, in connection with the prayer made by the petitioner for cancellation of the registered sale deed vide Document No.725 of 2012, on the file of the Office of the Sub-Registrar, Tambaram, after putting on notice, the persons concerned, and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the persons concerned. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

nsv

To:

1.The Inspector General of
Registration
100, Santhome High Road
Chennai 600 028

2.The District Registrar
Registration District of
Chennai South
Saidapet, Chennai 600 015

1 cc to Mr.S.Saravanan, Advocate, Sr. 33772
1 cc to Government Pleader, Sr. 34348

W.P.No.19916 of 2015

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