

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.02.2015

CORAM

THE HONOURABLE MR.JUSTICE M. DURAISWAMY

W.P. No.5119 of 2015

P.S.R.Sathyamurthy

... Petitioner

versus

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-28.
2. The District Registrar (Administration),
Registration Department,
Jeenis Road, Saidapet,
Chennai-600 015.
3. The Sub Registrar,
Sub Registrar Office,
Chennai South Joint,
9, Jeenis Road,
Saidapet, Chennai-600 015.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the second respondent to complete the enquiry as per the petitioner's complaint dated 29.04.2013 and reminders dated 09.06.2014 and 21.08.2014 in accordance with law, within the time stipulated by this Court.

For petitioner : Mr.M.Selvam

For respondents : Mr. V.Jaya Prakash Narayanan,
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for respondents. By consent, the writ petition itself is taken up for final disposal.

2.The above writ petition has been filed by the petitioner to issue a writ of mandamus directing the second respondent to complete the enquiry, as per the petitioner's complaint dated 29.04.2013 and reminders dated 09.06.2014 and 21.08.2014, in accordance with law.

3.According to the petitioner, he entered into an agreement for purchase of property and the same was registered with third respondent's office on 12.12.2007. When the registered agreement was pending, the third respondent's office has entertained a sale deed in favour of one Marimuthu and Vijayarani. Thereafter, the petitioner gave a complaint to the police in Crime No.83 of 2014 before the Inspector of Police, Chennai and some of the persons were arrested and later released on bail. In spite of pending of all these cases, the third respondent's office has entertained sale deed in document No.361 of 2014. Thereafter, the petitioner made a complaint before the first and second respondents to conduct enquiry, as per Circular No.67 dated 03.11.2011, issued by the first respondent. The second respondent through his letter dated 03.11.2014, directed the petitioner to appear for enquiry on 17.11.2014 and the same was adjourned to various dates. Subsequently, the petitioner has also given reminders to the respondents to complete the enquiry. Further according to the petitioner, the second respondent has not completed the enquiry in terms of Circular No.67 of 2011 dated 03.11.2014. Further according to the petitioner, the validity of the Circular was also upheld by this Court in the judgment reported in 2014 (4) CTC 627. Following the said judgment, this Court also in W.P. Nos.698 and 699 of 2015, dismissed the writ petitions on 13.01.2015.

4.Mr.V.Jaya Prakash Narayanan, taking notice for the respondents, submitted that as against the order passed by this Court, challenging the Circular, the writ appeals are pending.

5.Since the present writ petition has been filed to direct the second respondent to complete the enquiry within a stipulated time, I am of the view that the second respondent can be directed to complete the enquiry, taking into consideration Sections 82 and 83 of the Registration Act.

6.Accordingly, the second respondent is directed to complete the enquiry, after giving opportunities to the parties and taking into consideration Sections 82 and 83 of the Registration Act, within

three months from the date of receipt of a copy of this order. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

VGA

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-28.
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Chennai-600 015.
3. The Sub Registrar,
Sub Registrar Office,
Chennai South Joint,
9, Jeenis Road,
Saidapet, Chennai-600 015.

+1cc to Mr.M.Selvam, Advocate, S.R.No.10921
+1cc to the Government Pleader, S.R.No.10862

W.P. No.5119 of 2015

TEJ(CO)
CA(03/03/2015)

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