

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.13227 of 2016

N.Nagereddy

... Petitioner

Vs.

1 The District Registrar,
Krishnagiri.

2 The Sub Registrar,
Denkanikottai, Hosur Taluk,
Krishnagiri District.

3 R.Suganthan

4 R.Karnan

5 S.Venugopal

6 Malayandi

7 Ramachandra Granite &
Construction Pvt Ltd
Rep by its Managing Director
T.Varadaraj

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to conduct enquiry with reference to the Petitioners representation dated 15.03.2016 and cancel the sale deeds document Nos.1558 of 2008, 1559 of 2008 and 1560 of 2008 dated 9.4.2008.

For Petitioner : Mr.S.V.Jayaraman
Senior Counsel
for M/s.T.Dhanasekaran

For Respondents : Mr.P.Sanjai Gandhi for R1 and R2
Additional Government Pleader
Mr.A.Saravanan for R3 to R7

O R D E R

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

2.The learned Senior Counsel appearing for the petitioner would submit that fraud has been played by the respondents 3 and 4

along with the respondents 5 to 7 and they have registered the sale deeds bearing document nos.1558 of 2008 dated 09.04.2008, 1559 of 2008 and 1560 of 2008 and in this regard, the petitioner has invoked the jurisdiction of the first respondent by submitting a representation in the form of legal notice dated 15.03.2016 and the first respondent took it on file and issued a notice to the petitioner calling upon him to appear for enquiry on 17.05.2016, along with the documents and though the petitioner had appeared before the said official along with the documents, no progress is taking place and hence, the petitioner is constrained to file this writ petition.

3.It is the further submission of the learned Senior Counsel appearing for the petitioner that in terms of Circular no.67 of the Inspector General of Registration, issued during the year 2011, the first respondent is mandate to deal with the complaint given for fraudulent registration due to false representation, impersonation, on production of document. Therefore, there cannot be any impediment on the part of the first respondent to pass appropriate orders.

4.Per contra, the learned counsel appearing for the private respondents would submit that the petitioner on an earlier occasion approached this Court by filing W.P.Nos.12291 of 2008, 7802 of 2009 and 24561 of 2010 for the similar relief and this Court vide common order dated 19.01.2011, had dismissed all the writ petitions with direction, directing the petitioner to pursue the civil remedy and despite that, the petitioner has invoked the jurisdiction of the first respondent and prays for dismissal of the writ petition.

5.Heard the submissions of Mr.S.V.Jayaraman, learned Senior Counsel appearing for the petitioner, Mr.P.Sanjai Gandhi, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2 and Mr.A.Saravan, learned counsel who accepts notice on behalf of the respondents 3 to 7.

6.This Court had considered the rival submissions. It is to be pointed out that the first respondent has entertained the representation in terms of the above said circular and it is needless to say that for the purpose of adjudicating the issue, the first respondent is to put on notice the private respondents namely, R3 to R7. This Court without going into the merits of the claim projected by the petitioner and in the light of the facts and circumstances, directs the first respondent to conclude the enquiry with reference to the petitioner's representation in the form of legal notice dated 15.03.2016, in accordance with law after putting on notice the respondents 3 to 7 and pass orders as expeditiously as possible and not later than 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 private respondents namely, R3 to R7.

7.The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

pri

To

1 The District Registrar,
Krishnagiri.

2 The Sub Registrar,
Denkanikottai, Hosur Taluk,
Krishnagiri District.

1 cc to M/s. T. Dhanasekaran, Advocate, Sr. 29377

1 cc to Government Pleader, Sr. 29521

1 cc to MR.A. Saravanan, Advocate, Sr. 29534

1 cc to MR.R. Shivashankar, Advocate, Sr. 29727

W.P.No.13227 of 2016

RK (CO)
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