

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.13911 of 2016

D.Jothi Babu

... Petitioner

Vs.

1.The District Registrar,
Registrar's Office,
Saidapet, Chennai-15.

2.S.B.Shabir

3.Suma Harris Jayaraj

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to enquire into the complaint submitted by the petitioner on 2.7.2013 and to take appropriate action on the same.

For Petitioner : Mr.G.K.Ilanthirayan,
for M/s.Sai Bharathi and Ilan

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader,
for R.1

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to enquire into the complaint submitted by him on 2.7.2013 and to take appropriate action on the said complaint.

2. The case of the petitioner, in brief, is as follows:-

(a) The petitioner's mother late D.Jayalakshmi purchased a housing plot at No.358, measuring to an extent of 1 ground and 750 sq.ft. in Nehru Nagar, Kottivakkam Village, No.141, Saidapet Taluk, Chengalpattu District, comprised in Survey No.317/1 part from one CMDS Traders, a partnership firm being represented by its partners K.Chandrasekaran, A.Muthupandian, S.Duraipandia Nadar and Sisupala by way of registered sale deed dated 30.12.1967 vide document No.1226 of 1968. His father expired on

10.6.1967 and his mother expired intestate on 12.4.2005 leaving behind the petitioner, his two brothers and one sister, who inherited the said property.

(b) While so, since the petitioner and his brothers and sister decided to sell the said property, they applied for encumbrance certificate. To their shock and surprise, they came to know that the owner's name of the said property was wrongly mentioned as Jayachandrakumar and the said Jayachandrakumar was stated to have sold the same to the third respondent herein, through his power agent one S.B.Shabir, the second respondent herein, vide document No.351 of 2011. Hence, immediately, the petitioner gave a complaint to the first respondent on 2.7.2013 to take necessary action in this regard. Further, he sent a representation to the Inspector General of Registration, Chennai and the same has been forwarded to the first respondent vide ref: No.33001/w1/2013 dated 16.8.2013. Even after receipt of the same, the first respondent has not taken any action. Hence, left with no other alternative, the petitioner has come up with the present writ petition seeking a direction to the first respondent to enquire into the complaint submitted by him on 2.7.2013 and to take appropriate action.

3. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the first respondent.

4. Considering the facts and circumstances of the case, and considering the submissions made on either side, this Court directs the first respondent to conduct an enquiry on the complaint given by the petitioner dated 2.7.2013, by affording an opportunity of personal hearing to the petitioner as well as to the respondents 2 and 3 and other necessary parties, if any, and pass appropriate orders / take appropriate action, on merits and in accordance with law and in the light of Circular No.67 dated 3.11.2011 in C.No.52338/C1/2011, within a period of 12 weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to merits of the claim projected by the petitioner and it is for the first respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

sbi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

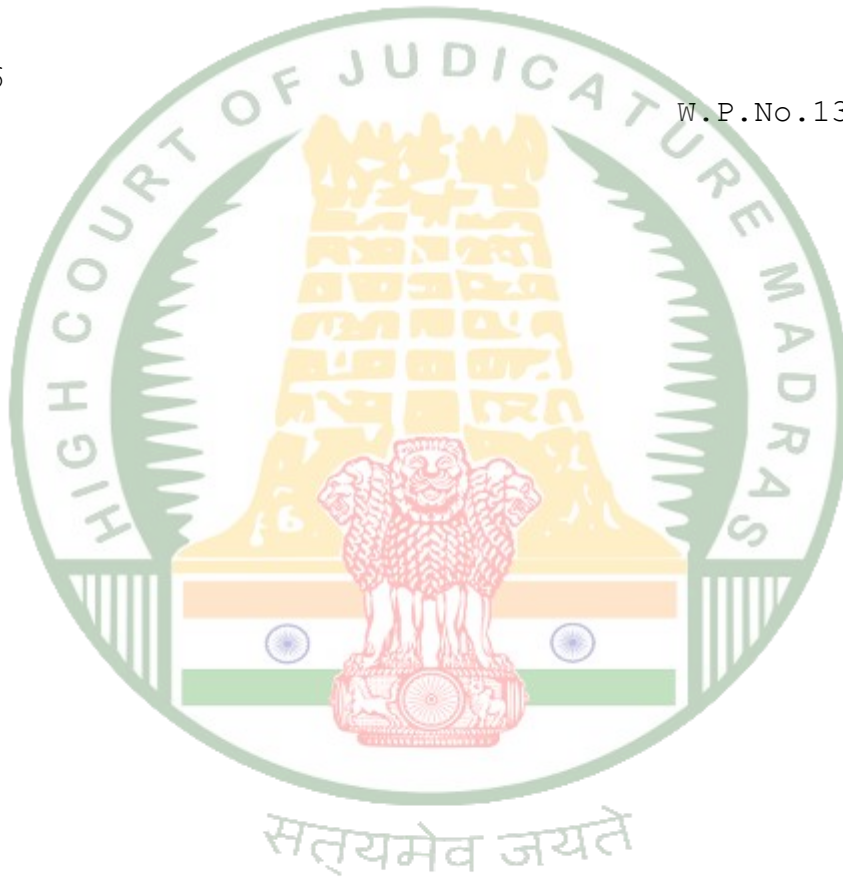
The District Registrar,
Registrar's Office,
Saidapet, Chennai-15.

+ 1 cc to The Govt.Pleader, Sr 23874

+ 1 cc to M/s.Sai Bharathi and Ilan, Advocate Sr 23775

KR/22/4/16

W.P.No.13911 of 2016



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