

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.15402 of 2016

Mr.A.Gurusamy

... Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Chennai-600 028.

2.The District Registrar (Administration),
Office of the District Registrar,
Dindivanam.

3.K.Ranganathan
S/o.Krishnan,
Chunambukara Street,
Sirukadambur,
Gingee Taluk,
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to comply with the direction as per Letter dated 15.02.2016 bearing No.1514 U2/2016 issued by the 1st respondent.

For Petitioner : Mr.M.Jaikumar

For respondents : Mr.V.Jayapraksh Narayanan, Spl.GP.
1 and 2

ORDER

This writ petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to comply with the direction as per Letter dated 15.02.2016 bearing No.1514 U2/2016 issued by the 1st respondent.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows_

2-1.The property comprised in Survey No.401/10 admeasuring to an total extent of 1.03 acres and in Survey No.401/9 admeasuring to an total extent of 0.93 acres,

altogether 1.96 acres was purchased by the petitioner's mother Late Mariammal from one Mr.Amirthan in the year 1938 vide Doc.No.1440 of 1938 and from one Mr.Ramasamy Pillai vide another Doc.No.4394 of 1943 registered on the file of the Sub-Registrar of Gingee, for a valid sale consideration.

2-2.Ever since the purchase of property by the petitioner's mother late Mariammal, she was in absolute possession and enjoyment of the property and she was issued with a Patta No.576, dated 10th July 1974, by the Tasildhar, Gingee for the above mentioned property. The petitioner's mother late Mariammal and her legal heirs have continuously paid the tax with the Village Administrative Officer, Sathyamangalam Village.

2-3.In the year 1959, the petitioner's mother settled an extent of 40 cents in favour of her daughter Mrs.Dhananammal. The balance extent of 156 cents of land combining the two Survey Nos.401/10 & 401/9 was partitioned by late Mariammal by which all the legal heir viz., 1)Mr.Sudesan (son), 2)Mr.Gurusamy (son), 3)Mr.Poun, & 4)Mr.Manickam (son), were given each 39 cents of land.

2-4.While so, the 3rd respondent is claiming that he purchased the property from the legal heirs of one Gurusamy through Doc.No.687 of 2002. The said document is fabricated document created by the 3rd respondent. The petitioner had sent representation dated 07.01.2016 to both the respondents 1 & 2 to cancel the above said Doc.No.687 of 2002 registered in favour of the 3rd respondent.

2-5.The 1st respondent by letter dated 15.02.2016 bearing No.1514/U2/2016 directed the 2nd respondent to enquire the complaint given by the petitioner and to take action necessary action. In the said letter, the 2nd respondent was also directed to sent the action taken report to the 1st respondent.

2-6.The 2nd respondent did not enquire the complaint dated 07.01.2016 as directed by the 1st respondent and kept the said representation without any progress. Hence, the petitioner has come forward with the present writ petition for the relief as stated supra.

3.The learned counsel for the petitioner submitted that the Inspector General of Registration has issued a Circular No.67, dated 03.11.2011, which empowers the District Registrar to enquire and investigate into the fraudulent transaction including forged document. Though the 1st respondent has given direction vide his letter dated 15.02.2016, to the 2nd respondent to enquire into the petitioner's representation and to take necessary action, the 2nd respondent has not conducted

any enquiry. Thus, the learned counsel for the petitioner sought for a suitable direction to the respondents.

4. Heard the learned Special Government Pleader appearing for the official respondents also and perused the materials available on record.

5. Considering the limited scope of the prayer sought for in the writ petition, without expressing any opinion on the claim of the petitioner, this Court directs the 2nd respondent to consider the representation dated 07.01.2016 given by the petitioner, as per the letter dated 15.02.2016 issued by the 1st respondent, in the light of the Circular No.67, dated 03.11.2011, issued by the 1st respondent, and pass appropriate orders, after affording opportunity of personal hearing to the petitioner as well as to all other necessary parties, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
Chennai-600 028.

2. The District Registrar (Administration),
Office of the District Registrar,
Dindivanam.

+1cc to the Government Pleader Sr.26322
+1cc to Mr.M.Jaikumar, Advocate Sr.25825

W.P.No.15402 of 2016

pa (CO)
srg (26/05/2016)