

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2016

Coram

The Hon'ble Mr.Justice B.RAJENDRAN

W.P. No. 32008 of 2016

R.Subash Chandra Bose

...Petitioner

Vs.

1.The Inspector General of Registration
No.100, Santhome High Road
Foreshore Estate
Chennai-600 028.

2.The District Registrar
District Registrar Office
Murthygal Lane
North Chennai
Chennai-600 001.

3.The Sub-Registrar
Aarani Sub-Registrar Office
North Chennai
No.3, S.P.Kovil Street
Aarani
Chennai-601 101.

4.Ms.K.Alli

5.P.M.Santha Kumar

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to conduct enquiry on the basis of the petitioner's representation, dated 18.04.2016, as per the Circular No.67 issued by the 1st respondent on 03.11.2011, in accordance with law, after affording opportunity to both parties and to cancel the Fraudulent Document No.5772 of 2011, dated 18.08.2011, registered on the file of the 3rd respondent office, created by the respondents 4 and 5.

For Petitioner : Mr.V.Srinivasa Babu
For Respondents : Mr.A.Kumar
Special Government Pleader

O R D E R

By consent, the Writ Petition is taken up for final disposal at the time of admission itself.

2.Heard, Mr.V.Srinivasa Babu, learned counsel for the petitioner and also Mr.A.Kumar, learned Special Government Pleader, who has taken notice on behalf of the respondents.

3.The petitioner has come up with the present Writ Petition for a Mandamus, directing the 2nd respondent to conduct enquiry on the basis of the petitioner's representation, dated 18.04.2016, as per the Circular No.67 issued by the 1st respondent on 03.11.2011, in accordance with law after affording opportunity to both parties and to cancel the Fraudulent Document No.5772 of 2011, dated 18.08.2011, registered on the file of the 3rd respondent office, created by the respondents 4 and 5.

4. According to the petitioner, he and his brother R.Janarthanan are the joint owners of land comprised in Survey No.506/2 measuring an extent of 37 cents in Koduvalli Village, Thiruvallur Taluk and District. While so, the 4th respondent had executed a registered sale deed, dated 01.03.2007, thereby, she had conveyed an extent of 27 cents comprised in Survey No.506/3 of Koduvalli Village, Thiruvallur Taluk & District, in favour of the 5th respondent. Later, the 4th respondent in collusion with the 5th respondent had deleted Survey No.506/3 and substituted Survey No.506/2 and thereby, created and fabricated document by registering Rectification Deed, dated 18.08.2011, vide Doc.No.5772 of 2011 on the file of third respondent by false admissions and statements before the registering authority. In this regard, the petitioner has lodged a complaint. Based on which, a case was registered in Cr. No.45 of 2014 for the offences under Sections 420, 465, 468 and 447 IPC. However, till date, no enquiry was conducted by the 2nd respondent as per Circular No. 67 issued by the 1st respondent on 03.11.2011 and hence, the petitioner is before this Court with this Writ Petition.

5. Mr.V.Srinivasa Babu, the learned counsel for the petitioner would submit that the petitioner is aggrieved against the non-conducting of enquiry as per Circular No.67, dated 03.11.2011. He would further add that in fact, the 1st respondent, vide letter, dated 25.04.2016, directed the 2nd respondent to conduct detail enquiry and to conclude the same as expeditiously as possible, but, till date, no steps have been taken to conduct the enquiry including to give notice.

6. Having regard to above, this Court is of the view that it is suffice to direct the 2nd respondent to conduct enquiry on the basis of the petitioner's representation, dated 18.04.2016 as per Circular No.67 issued by the 1st respondent on 03.11.2011, after issuing notice and affording sufficient opportunity to the petitioner as well as the respondents 4 and 5 and thereafter, to pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order.

7. With the above direction and observation, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

paa

To

1.The Inspector General of Registration
No.100, Santhome High Road
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Aarani Sub-Registrar Office
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No.3, S.P.Kovil Street
Aarani
Chennai-601 101.

1 cc to Mr.V.Srinivasababu, Advocate, sr.51831

1 cc to The Government Pleader, sr.52248

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