

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.3548 of 2016

N.Govindarajan

... Petitioner

vs

1. The Inspector General of Registration
No.100, Santhome High Road
Pattinapakkam, Chennai 600 028.
2. The District Registrar
Office of the District Registrar
(Chennai South)
No.9, Jeenis Road
Saidapet, Chennai 600 015.
3. The Sub Registrar (T.Nagar)
No.9, Jeenis Road
Saidapet, I Floor
Chennai 600 015.

.... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the first respondent to conduct an enquiry and issue the certified copy relating to the registered document No.1493 of 1975 dated 05.12.1975 in respect of the property situated in Survey Nos.6530, 117/8, 118/5, 120/3, Door No.22/27, Krishna Street, T.Nagar, Chennai in view of the petitioner's representation dated 02.06.2008 and 21.01.2016 within a time frame to be fixed by the Court.

For Petitioner : Mr.A.Esakkiappan
For Respondents : Mr.S.V.Durai Solaimalai
Additional Government Pleader

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the first respondent to conduct an enquiry and issue certified copy of the registered document No.1493 of

1975 dated 05.12.1975 in respect of the property situated in Survey Nos.6530, 117/8, 118/5, 120/3, Door No.22/27, Krishna Street, T.Nagar, Chennai by considering the petitioner's representation dated 02.06.2008 and 21.01.2016.

2. The case of the petitioner is that the property situated in Survey Nos.6530, 117/8, 118/5, 120/3, Door No.22/27, Krishna Street, T.Nagar, Chennai measuring an extent of two grounds and 1900 sq.ft belongs to the petitioner and that he and his family members are enjoying the same from the year 1975. According to the petitioner, originally the property belonged to one Subramaniya Mudaliar and his wife Kaveriammal and their legal heirs. The legal heirs of the said Subramaniya Mudaliar executed a settlement deed in favour of the petitioner's father and grand father during the year 1975 vide registered document dated 05.12.1975 in Document No.1493 of 1975. After their demise, the property came to the possession of the petitioner and his four sisters.

According to the petitioner, the patta stands in the name of the petitioner and his four sisters and he had applied for a certified copy of the registered document dated 05.12.1975 before the third respondent and the same was issued to him. Now all of a sudden, after a lapse of thirty years one of the petitioner's vendor have created a forged document and had also filed a suit against the petitioner so as to grab the property. Therefore, the petitioner once again approached the third respondent seeking certified copy of the registered document dated 05.12.1975 during the year 2008. However, the third respondent had refused to issue the same stating that the original document in the office is in damaged condition. Hence, they cannot give certified copy. Thereafter, the petitioner once again sent a representation dated 02.06.2008 requesting the respondents to conduct an enquiry based on the document No.1493 of 1975 dated 05.12.1975. Since there was no response, the petitioner has sent another representation dated 21.01.2016 to the first respondent. Even for the said representation, there was no response. Hence the present writ petition.

3. Heard the learned counsel for the petitioner and Mr.S.V.Durai Solaimalai, learned Additional Government Pleader appearing on behalf of the respondents.

4. Learned counsel for the petitioner would submit that even though several representations were made to the respondents to conduct an enquiry pertaining to the property situated in Survey Nos.6530, 117/8, 118/5, 120/3, Door No.22/27, Krishna Street, T.Nagar, Chennai, none of them have been considered by the respondents. Therefore, he would submit that unless this

Court issues a direction, the petitioner will not get a certified copy of the registered document dated 05.12.1975.

5. Considering the facts and circumstances of the case, the first respondent is directed to consider the representation dated 02.06.2008 and 21.01.2016, conduct an enquiry and pass appropriate orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

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

sd/-
Assistant Registrar (Cs-VII)

/TRUE COPY/

Sub-Assistant Registrar

vj2

To

1. The Inspector General of Registration
No.100, Santhome High Road
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+1 CC to Mr.A.Esakkiappan Advocate. SR.NO. 6780
+1 CC to Govt.Pleader. SR.NO. 6511

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CO-VGI
JD 15/02/2016