

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 2/3/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.7704 of 2016

K. Jothiraman ... Petitioner

Vs

1. The Government of Tamil Nadu
rep. By its Secretary
Department of Registration of Documents
Fort St. George
Chennai 600 009.
2. The Inspector General of Registration
Santhome
Chennai 600 028.
3. The Deputy Inspector General
of Registration
Chennai Division
Chennai 600 001.
4. The District Registrar
Kancheepuram District.
5. The Sub-Registrar (Joint -IV)
O/o. The Sub-Registrar
Kancheepuram.

6. P. Mohan ... 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 respondents, particularly the first respondent to dispose of the appeal pending for disposal filed against the order of cancellation of document Writer, vide proceedings letter No.5372/B3/2013 dated 16/4/2013.

For Petitioner ... Mr.R.Thanjan

For respondents ... Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal.

2. Heard Mr.R.Thanjan, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader for the respondents.

3. This writ petition has been filed, praying to direct the respondents, particularly the first respondent to dispose of the appeal pending for disposal filed against the order of cancellation of document Writer, vide proceedings letter No.5372/B3/2013 dated 16/4/2013.

4. The petitioner was a Document Writer, at Kumbakonam District. He had invested along with sixth respondent in a Real Estate business and started a partnership firm in the name and style of Sri Balaji Enterprises. In the partnership firm, the sixth respondent had added three more partners, one of the partners being his own wife, without the knowledge of the petitioner. The sixth respondent proposed to sell a property, entered into an agreement with the third party and also mortgaged the said property for funds with some third party which was later redeemed without the knowledge of the petitioner. The partner did not consult the petitioner and even without sharing equally, the sale proceeds gained wrongfully by himself alone.

5. Hence the petitioner filed a Civil Suit in O.S.No.183 of 2010 before the Subordinate Judge, Kancheepuram, for declaration, declaring the sale deeds, executed by the sixth respondent is null and also for equal partition of the properties so far purchased and existed in the name of partnership firm which is pending for disposal. On receiving of summon from the Court, the sixth respondent, lodged a complaint against the petitioner before the District Crime Branch, Kancheepuram. On the basis of complaint, the petitioner was kept in custody for 36 hours and enquiry was conducted by the Deputy Registrar General of Registration, Chennai and in the result of such enquiry, license for Document Writer was cancelled, as per proceedings dated 16/4/2013. The petitioner also filed a case against the sixth respondent which is under investigation. The petitioner appealed against the impugned proceedings where his license of document was cancelled and it is pending for disposal. Hence the petitioner has come forward with the present writ petition praying for the relief as stated therein.

6. Without going into the merits of the claim of the petitioner, the first respondent is hereby directed to dispose of the appeal, filed by the petitioner, and pass an appropriate orders on merits and in accordance with law, within a period of twelve 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 the merits of the claim of the petition.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
Department of Registration of Documents,
Fort St. George,
Chennai 600 009.
2. The Inspector General of Registration,
Santhome,
Chennai 600 028.
3. The Deputy Inspector General,
of Registration,
Chennai Division ,
Chennai 600 001.
4. The District Registrar,
Kancheepuram District.
5. The Sub-Registrar (Joint -IV),
O/o. The Sub-Registrar,
Kancheepuram.

1cc to the Government Pleader Sr.13926
+1cc to Mr.R.Thanjan, Advocate sr.13598

W.P.No.7704 of 2016

vsn(CO)
srg(17/03/2016)