



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 22.06.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.10952 of 2016

S.Vijayan

..Petitioner

Vs

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

2.The District Registrar,
Madurai North,
Madurai.

3.The Sub-Registrar,
Karungalakudi Sub-Registrar Office,
Melur Taluk,
Madurai District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to consider the Petitioner's representations dated 30.1.2016 and 15.2.2016 requesting to cancel the fraudulent sale deed executed by Nallathambi Kone in favour of Subbiah registered in Doc.No.76/1976, dated 23.01.1976 based on Section 68(2) of the Tamil Nadu Registration Act and Circular No.67, dated 3.11.2011 issued by the First Respondent within the time stipulated by this Court.

For Petitioner : M/s.N.Rahamadullah
For Respondents : Mr.K.Mahesh Raja
Govt.Advocate

ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal. No counter is filed on behalf of the Respondents.

3.The grievance of the Petitioner is that his representations, dated 30.1.2016 and 15.2.2016 seeking to cancel the fraudulent



sale deed executed by Nallathambi Kone in favour of Subbiah registered in Doc.No.76/1976, dated 23.01.1976 based on Section 68 (2) of the Tamil Nadu Registration Act and Circular No.67, dated 3.11.2011 issued by the First Respondent within the time stipulated by this Court.

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4.It comes to be known that the Petitioner on 15.2.2016, had submitted a representation to the Second Respondent requesting to cancel the fraudulent sale deed in the subject-matter in issue. In this regard, the categorical plea of the Petitioner is that the Second Respondent/The District Registrar, Madurai North, Madurai has the requisite power to cancel the document under the Indian Registration Act in terms of Circular No.67, dated 3.11.2011 issued by the First Respondent. Till date, the Respondents have not taken any action to cancel the fraudulent Document No.76/1976, dated 23.01.1976.

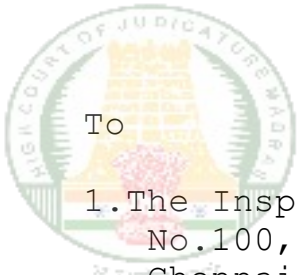
5.In view of the limited relief sought for by the Petitioner in the main Writ Petition, namely, to consider his representations, dated 30.1.2016 and 15.2.2016 by the Second Respondent, at this stage, this Court without going into the merits and contents of the representations of the Petitioner, dated, 30.1.2016 and 15.2.2016 and also not expressing any opinion one way or other, in the interest of justice, Equity, Fair Play, Good Conscience and even as a matter of prudence, directs the Respondent No. 2 to immediately take up the representations of the Petitioner, dated 30.1.2016 and 15.2.2016 within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the Second Respondent is directed to pass a reasoned speaking order on merits(of course after providing adequate opportunity to the Petitioner and others concerned, if any, by adhering to the principles of natural justice in true letter and spirit) within a period of three weeks thereafter. It is open to the Petitioner to submit/produce copies of necessary documents/records before the Second Respondent, so as to enable him to dispose of his representations aforesaid, within the time stipulated by this Court. The Petitioner is directed to lend his assistance and cooperation to the Second Respondent in this regard, for early disposal of his representations, dated 30.1.2016 and 15.2.2016, within the time determined by this Court, as stated supra.

6.With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(AE)

/True copy/



To

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

2.The District Registrar,
Madurai North,
Madurai.

3.The Sub-Registrar,
Karungalakudi Sub-Registrar Office,
Melur Taluk, Madurai District.

+1 cc to M/s.N.Rahamadullah, Advocate in SR.No.32011

+1 cc to The Special Government Pleader in SR.No. 32455

vsn

CSL/SK-SKN/30.06.2016 : 2p/6c

W.P (MD) No.10952 of 2016
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