

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.03.2017

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.5705 of 2017

and

W.M.P. N. 6090 of 2017

S.Anandakrishnan

.. Petitioner

Versus

1. The Inspector General of
Registration
Registrations Department

2. The District Registrar (Admin)
Assistant Inspector General
of registration
Sivaganga District Sivaganga.

3. S. Jeyaraman

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to number the petitioner's appeal dated 14.03.2016.

For Petitioner : Mr.P.Sidharthan

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

ORDER

The petitioner would contend that he has purchased the property, morefully described in the sale deed dated 05.06.2013 registered on the file of the Sub-Registrar, Manamadurai, from one Ramachandran and others. According to the petitioner, after such purchase, the third respondent and others have given a complaint to the second respondent herein stating that the patta in respect of the property purchased by the petitioner was forged. On the basis of such complaint, an enquiry was conducted by the second respondent and ultimately, by an order dated 03.12.2013, it was concluded by the second respondent that the documents based on which the petitioner has purchased the property in question are forged and fabricated and therefore, directed the Sub-Registrar, Manamadurai to submit an action taken report as regards the status of the pending case in Crime No.334 of 2013 which was already registered in connection with the very same property as against third persons. Aggrieved by the said order, the petitioner has filed an appeal on 14.03.2014 to the first respondent, but the first respondent purportedly did not entertain the appeal on the

ground that Circular No.67 dated 03.11.2011 issued by the first respondent has been stayed by this Court in WP No. 10986 of 2013. However, the first respondent has neither passed an order entertaining the petitioner's appeal nor rejected it on that ground and therefore this writ petition is filed.

2. I heard the learned counsel for both sides and perused the records. Admittedly, the petitioner has filed an appeal on 14.03.2014 as against the order dated 03.12.2013 of the second respondent and the appeal has also been received by the office of the first respondent on the same day. Such an appeal was neither returned by the first respondent nor any order has been passed thereon. According to the petitioner, he was orally informed that the appeal could not be entertained in view of the interim stay granted by this Court as against the operation of Circular No.67 dated 03.11.2011 issued by the first respondent in WP No. 10986 of 2013. Such an order of interim stay granted by this Court in identical circumstances will not be a bar for the first respondent to either entertain the statutory appeal preferred by the petitioner. In any event, the first respondent has neither passed an order accepting the appeal or rejected it and in the absence of the same, this Court feels that a Mandamus has to be issued as prayed for in this writ petition.

3. Accordingly, the writ petition is disposed of with a direction to the first respondent to number the statutory appeal filed by the petitioner on 14.03.2014 and to proceed further in accordance with law. No costs. Consequently, connected miscellaneous petition No. 6090 of 2017 is closed.

Sd/-
Deputy Registrar

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

dpq/rsh
To

1. The Inspector General of Registration
Registrations Department
2. The District Registrar (Admin)
Assistant Inspector General of registration
Sivaganga District Sivaganga.

+ 1 cc to Mr.P. Sidharthan, Advocate SR.14809

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