

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.11.2017

CORAM

THE HON'BLE Mr.JUSTICE A.SELVAM
and
THE HON'BLE Mr.JUSTICE P.KALAIYARASAN

W.P.No.25964 of 2014
and M.P.No.1 of 2014

M.Nelson

.. Petitioner

Vs

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai-28.

2.The District Registrar,
9, Jeans Road,
Saidapet, Chennai-15.

3.The Sub Registrar,
Neelangarai SRO,
1/71, 1st Floor, Kajera Garden 2nd Street,
East Coast Road, Neelankarai,
Chennai-115.

4.V.S.S.Kumaresan
5.K.Muthuraja
6.K.Muthukumar

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Mandamus directing the respondents 1 to 3 to expeditiously pass orders on the representation dated 15.09.2014.

For Petitioner : Ms.R.Anitha
For Respondents : No appearance
1 to 3
For Respondents : Mr.V.Chandrakanthan
4 to 6

O R D E R

[Order of the Court was made by A.SELVAM, J.]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents to

consider the representation dated 15.09.2014 by way of issuing a Writ of Mandamus.

2.The learned counsel appearing for the petitioner has contended that so many illegal transactions have been made by the respondents 4 to 6 and with regard to those transactions for conducting proper enquiry, the petitioner has given a representation dated 15.09.2014. But, the respondents 1 to 3 have not disposed of the same. Under the said circumstances, the Writ Petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the respondents 4 to 6 has contended that in respect of properties in question, two Original Suits in O.S.Nos.812 and 814 of 2014 have been instituted and the same are pending between the parties.

4.It is seen from the records that representation dated 15.09.2014 has been given only on the basis of Circular No.67 dated 03.11.2011.

5.It is an admitted fact that Circular No.67 dated 03.11.2011 has already been withdrawn by another Circular dated 20.10.2017 by the the Government of Tamil Nadu.

6.Considering the fact that representation dated 15.09.2014 has been given only in accordance with Circular No.67 dated 03.11.2011 and the same has been subsequently withdrawn on the basis of representation dated 15.09.2014, no relief can be granted. However, with regard to properties in question, O.S.Nos.812 and 814 of 2014 are pending between the parties. In fact, both parties can workout their respective remedies through civil forum.

7.Considering the aforesaid factual circumstances and also considering the fact that Circular No.67 has already been withdrawn, the relief sought in the Writ Petition cannot be granted. However, the petitioner is at liberty to invoke Section 83 of the Registration Act, 1908.

In fine, this Writ Petition is dismissed without costs. Connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar (CS V)

//True copy//

Sub Assistant Registrar

gya

To

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai-28.

2.The District Registrar,
9, Jeans Road,
Saidapet, Chennai-15.

3.The Sub Registrar,
Neelangarai SRO,
1/71, 1st Floor, Kajera Garden 2nd Street,
East Coast Road, Neelankarai,
Chennai-115.

+lcc to Mr.V.Chandrakanthan, Advocate SR.No.80210

W.P.No.25964 of 2014
and
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GN(29/11/2017)



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