

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2017

CORAM

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

W.P.No.30115 of 2015

M.Sarathy

... Petitioner

Vs

1. The District Registrar
Department of Registration
Murthigal Lane
Rajaji Salai Chennai-1.
2. The Inspector General of Registration
Foreshore Estate Chennai-28.
3. Karunagaran ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the first respondent to make an enquiry in pursuance of the Circular No.67 dated 3.11.2011 (C.No.52338/ C1/2011) issued by the second respondent the Inspector General of Registration Chennai with regard to the Document No.2787/ 2014 dated 7.8.2014 registered at Sembium Sub Registrar Office Perambur Chennai-600 011 and to take action as against the third respondent under the provisions of Section 83 of the Registration Act 1908.

For Petitioner : Mr.O.R.Abul Kalam

For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader
(R1 & 2)
Mr.J.Ram (R3)

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 1st respondent to conduct an enquiry in pursuance of the Circular No.67 dated

3.11.2011 (C.No.52338/ C1/2011) and also for giving necessary direction to the 2nd respondent to conduct enquiry under Section 83 of the Registration Act 1908.

2. Learned counsel appearing for the petitioner has advanced his arguments on the basis of the relief sought in the petition.

3. Learned Additional Government Pleader appearing for respondents 1 and 2 has submitted a copy of Circular dated 20.10.2017, wherein, it is clearly stated that the Circular No.67 dated 03.11.2011 has been withdrawn by the Government of Tamil Nadu and therefore, the reliefs sought in the writ petition have become infructuous.

4. It is an admitted fact that Circular No.67 dated 03.11.2011 passed in C.No.52338/C1/2011 has been withdrawn on 20.10.2017. The present writ petition has been filed praying to direct the 1st respondent to conduct an enquiry on the basis of Circular No.67 and further for a direction directing the 2nd respondent Inspector General of Registration to conduct an enquiry under Section 83 of the Registration Act 1908.

5. Considering the fact that Circular No.67 dated 03.11.2011 itself has already been withdrawn subsequently on 20.10.2017, the 1st portion of the relief sought in the writ petition has become infructuous. However, as per Section 83 of the Registration Act 1908, the District Registrar is having ample power to conduct enquiry, if there is any complaint. Under such circumstances, this writ petition is liable to be allowed in part.

6. In fine, the writ petition is allowed in part without costs. The 1st respondent is directed to act in accordance with the provisions of Section 83 of the Registration Act, 1908, if there is any complaint.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The District Registrar
Department of Registration
Murthigal Lane
Rajaji Salai Chennai-1.

2.The Inspector General of Registration
Foreshore Estate
Chennai-28.

W.P.No.30115 of 2015

SJ(CO)
CA(10/11/2017)



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