

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.31682 of 2013

E.Vedapuri

... Petitioner

vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Santhome,
Chennai.
 2. The District Registrar (Administration),
Office of the District Registrar,
South Chennai,
Saidapet.
 3. R.Anjali Devi
 4. M.Sampath
 5. S.Amudha
- ... Respondents

(R3 to R5 impleaded as per order dated 06.02.2014
in M.P.No.1 of 2014 in W.P.No.31682 of 2013)

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 2nd respondent herein to initiate the prosecution proceedings as per Section 83 of the Registration Act, 1908 on the basis of the sanction rendered by the 1st respondent on 13.09.2013.

For Petitioner : Mr.P.G.Perumal Pandian

For Respondents 1 & 2 : Mr.Akhil Akbar Ali,
Government Advocate

For 3rd Respondent : No appearance

For Respondents 4 & 5 : Mr.A.C.Kumaragurubaran

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the 2nd respondent herein to initiate prosecution proceedings as per Section 83 of the Registration Act, 1908 on the basis of the sanction rendered by the 1st respondent on 13.09.2013.

2. When the matter is taken up for hearing, learned counsel for the petitioner submitted that the suit filed by the petitioner in O.S.No.427 of 2009 is pending before the Sub-Court, Tambaram and unless the said suit for partition is decided, the request of the petitioner cannot be proceeded with.

3. Hence, reserving the liberty to initiate prosecution in terms of Section 83 of the Registration Act depending upon the outcome to proceed with the prosecution against the 3rd respondent, who is alleged to have executed the Sale Deed by suppressing material facts, this Court, without rendering any opinion on the merits of the case, directs the Sub-Court, Tambaram to take up the suit filed by the petitioner in O.S.No.427 of 2009 and decide the same as expeditiously as possible, without adjourning the matter beyond seven working days at any point of time. It is made clear that if any appeal is filed against the judgment and decree by any of the affected parties, the same time limit fixed by this Court should be applied.

The Writ Petition is disposed of with the above direction and observation. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To:

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

2.The District Registrar (Administration),
Office of the District Registrar,
South Chennai, Saidapet.

3. The Sub Judge
Tambaram.

+1 CC to A.C. Kumaragurusamy, Advocate sr 69700.

W.P.No.31682 of 2013

MN(CO)
SP(24/10/2017)