

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.10.2017

CORAM

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

Writ Petition No.23097 of 2013

M/s.Balsara Engineering Private Limited
Rep. By its Directorate
Mr.Ramesh Kumar Gupta,
having its registered office
at SF.No.273, Vaniyamalli Village
16th KM Mile Stone on Kavaraipettai
Sathyavedu Road, Gummidipoondi Taluk
Thiruvallur District-601 202

.... Petitioner

vs.

1.The District Registrar
Rajaji Salai
Chennai-600 001

2.The Sub Registrar
Gummidipoondi
Gummidipoondi-601 201

3.Mangammal
(R3 impleaded as per order
dated 29.08.2013 in M.P.No.1/2013
in W.P.No.23097/2013)

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to enquire into the petitioner's complaint dated 19.03.2013 under Section 83 and 84 of the Registration Act read with Circular No.67 dated 03.11.2011 so as to cancel the settlement deed executed by Mr.Subramani Naidu in favour of his Wife, Mangammal on 29.03.2012 bearing Document No.1807 of 2012, Sub Registrar Office, Gummidipoondi.

For Petitioner : Mr.V.Ramesh for Mr.T.Thiyagarajan
For Respondents : Mr.R.Vijayakumar,
Addl.Govt.Pleader for R1 and R2
Mr.R.Munusamy for R3.

ORDER

(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 on the basis of the petitioner's complaint dated 19.03.2013 under Section 83 and 84 of the Registration Act read with Circular No.67 dated 03.11.2011, by way of issuing a Writ of Mandamus.

2. The learned counsel appearing for the petitioner has advanced his arguments on the basis of the averments made in the petition.

3. The 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copy of Circular dated 20.10.2017, wherein, it is clearly stated that Circular No. 67 dated 03.11.2011 has already been withdrawn by the Government of Tamil Nadu.

4. Therefore, it is quite clear that the 1st respondent cannot be directed to conduct enquiry on the basis of the complaint given by the petitioner by way of Circular No.67 dated 03.11.2011. However, as per Section 83 of the Registration Act, the 1st respondent viz., the District Registrar, is having ample power to lodge a complaint on the basis of the representation received by him and to that extent, this court is inclined to pass the following order:-

In fine, this Writ Petition is allowed in part without costs. The 1st respondent is directed to proceed under Section 83 of the Registration Act, 1908, on the basis of the complaint of the petitioner dated 19.03.2013 as early as possible. The 1st respondent is directed to give proper opportunity to the 3rd respondent.

/sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

nvsri

To

1.The District Registrar
Rajaji Salai
Chennai-600 001

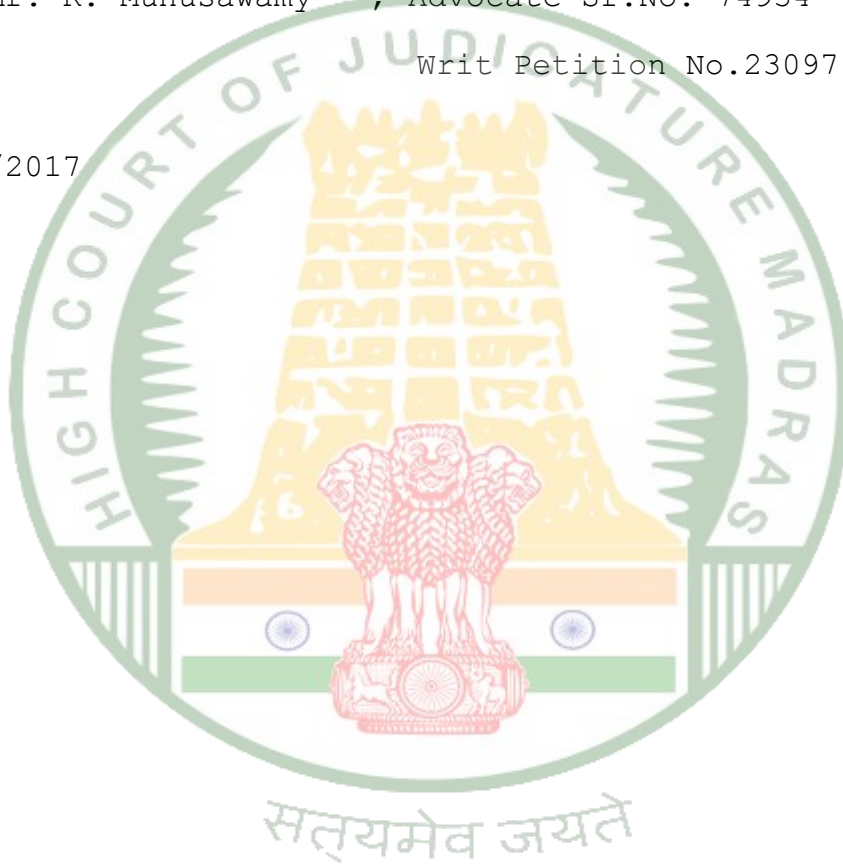
2.The Sub Registrar
Gummidipoondi
Gummidipoondi-601 201

+1 CC to Mr. T. Thiyagarajan, , Advocate Sr.No. 75856

+1 CC to Mr. R. Munusawamy , Advocate Sr.No. 74934

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MD: 21/11/2017



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