



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.17130 of 2017

M.Manoharan

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhom High Road,
Mylapore, Chennai - 28.
Tamil Nadu.

2.The District Registrar,
District Registration Office,
South Akraharam,
Thenkarai, Periyakulam,
Theni District.

3.The Sub Registrar,
Chinnamanur Sub Registration Office,
Theni District.

4.Mahalingam

5.C.Muthirulandi

6.M.Santhoshkumar

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to cancel the fraudulent Sale Registration in Document No.1689/1992 dated 24.08.1992 and Document No.52/1994 dated 12.01.1994 on the file of the Chinnamanur Sub Registrar office, Theni District based on the second respondent's enquiry and order made in Na.Ka.No.5222/E2/2016 dated 17.04.2017 subsequent to execute the same on the basis of the representation dated 24.08.2017.

For Petitioner : Mr.R.Sundar

For Respondents : Mr.J.Gunaseelan Muthiah,- for R1 to R3
Government Advocate

: Mr.K.Baalasundharam - for R4

: No Appearance - for R5 & R6

ORDER

This Writ petition has been filed seeking a Writ of Mandamus to direct the second respondent to cancel the fraudulent Sale Registration in Document No.1689/1992 dated 24.08.1992 and Document No.52/1994 dated 12.01.1994 on the file of the Chinnamanur Sub Registrar office, Theni District based on the second respondent's enquiry and order made in Na.Ka.No.5222/E2/2016 dated 17.04.2017 subsequent to execute the same on the basis of the representation dated 24.08.2017.

2. By consent, the writ petition is taken up for final disposal.

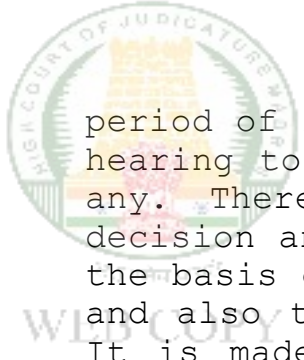
3. According to the petitioner, the property in question belongs to him and the respondents 4 to 6, fraudulently executed a deed and also registered the same. Aggrieved by the same, the petitioner has submitted a representation dated 14.11.2016 to the second respondent, seeking cancellation of the said fraudulent registration deed, based on which, the second respondent, after conducting an enquiry, had held the documents to be fraudulent one. Despite such finding, the document was not cancelled by the second respondent by merely referring to the Circular No.67 of 2011. Therefore, the petitioner once again has submitted a detailed representation dated 24.08.2017, to the respondents 1 to 3, seeking to cancel the said bogus deeds, but the same has not been considered so far. Hence, the petitioner is before this Court.

4. Heard the learned Counsel on either side and perused the materials available on record.

5. The learned Counsel appearing for the petitioner would submit that pursuant to cancellation of the Circular No.67, the representation of the petitioner may be ordered to be considered by the second respondent on the basis of the subsequent Circular dated 08.11.2017, issued by the Inspector General of Registration in a time bound manner.

6. At this juncture, the learned Counsel appearing for the fourth respondent has submitted that the appeal preferred by the fourth respondent against the proceedings of the second respondent dated 17.04.2017 is pending consideration and therefore, no coercive steps shall be taken by the authorities concerned till its disposal.

7. Considering the facts and circumstances of the case, <https://hcservices.ecourts.gov.in/hcservices> without going into the merits of the matter, directs the Appellate Authority, namely, the first respondent herein to dispose of the appeal, filed by the fourth respondent, within a



period of four weeks from today, after affording an opportunity of hearing to the petitioner as well as other interested parties, if any. Thereafter, the second respondent shall take a suitable decision and initiate appropriate proceedings, if so required, on the basis of the representation of the petitioner dated 24.08.2017 and also taking into account the earlier order dated 17.04.2017. It is made clear that till disposal of the appeal by the first respondent, no coercive steps shall be taken by the respondents 1 to 3.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector General of Registration,
100, Santhom High Road,
Mylapore, Chennai - 28.
Tamil Nadu.

2.The District Registrar,
District Registration Office,
South Akraharam,
Thenkarai, Periyakulam,
Theni District.

3.The Sub Registrar,
Chinnamanur Sub Registration Office,
Theni District.

+1cc to Special Government Pleader, SR.No. 93124

W.P (MD) No.17130 of 2017
14.12.2017

RM
JM/SV MMS/SAR 1/15.12.2017/3P/5C