

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12-09-2018
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 21790 of 2015
M.P.No.1 of 2015

R.Muniyandi @ Chandran .. Petitioner

Vs

1. The District Registrar of Registration,
No.1, Murthygel Lane,
Chennai 600 001.

2. The Sub Registrar,
Madhavaram SRO,
Madhavaram

3. Tmt. Gunabhushanam

4. Sathiyavathi

5. Dhanamani

6. Manoranjitham

7. Annakili

8. V.Vijay

9. K.Govindaraj

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records made in the impugned order in C.No.23/2015 dated 09.02.2015 passed by the 2nd respondent, quash the same consequently direct the respondents 1 to 2 to delete the S.No.612 in T.S.No.50/1, 50/2, Block C1 from Release Deed registered as Doc.No.7263/2014 and Power of Attorney Deeds in Doc.No.7264 and 7265 on 12.12.2014.

For Petitioner : Mr.S.P.Sudalaiyandi

For Respondents : Mr.P.P.Purushothaman

Government Advocate

For R1 & R2

Mr.K.Balaji

For R3 to R9

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O R D E R

The grievance of the writ petitioner is that the respondents 3 to 9, while registering the documents in respect of their property, have erroneously included Survey Numbers of the property belongs to the writ petitioner. Consequently, an erroneous document was executed before the Sub Registrar concerned.

2. The learned counsel for the writ petitioner also states that it is a fraudulent registration and the verification of Survey Numbers are not done by the authorities concerned. In view of the wrong registration, the writ petitioner is unable to deal with his own property in the manner known to law. Thus, the writ petitioner is constrained to move the present writ petition.

3. The writ petitioner has already made a complaint before the Sub Registrar, who in turn, informed that he has no Jurisdiction to effect any correction or cancellation of the documents. Thereafter, the writ petitioner preferred an appeal to the District Registrar on 6.2.1995 and the same yielded no result.

4. The learned Government Advocate, appearing on behalf of the respondents 1 and 2 and the learned counsel, appearing on behalf of the respondents 3 to 9, informed this Court that in the event of any fraudulent registration or impersonation or errors, the District Registrar is competent to conduct an enquiry and pass appropriate orders on merits and in accordance with law. In this regard, the Inspector General of Registration, Chennai-28, also issued a Circular in Letter No.41530/U1/2017 dated 31.7.2018.

5. In view of the submissions made, the first respondent-District Registrar of Registration is empowered to conduct an enquiry by affording reasonable opportunity to all the parties concerned and pass orders on merits and in accordance with law.

6. Accordingly, the first respondent-District Registrar of Registration is directed to consider the appeal submitted by the writ petitioner on 6.2.2015, conduct an enquiry, by affording reasonable opportunity to all the parties concerned and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the representation/appeal and all other relevant documents along with the orders passed in this writ petition.

7. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/--

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Svn/kmm

To

1. The District Registrar of Registration,
No.1, Murthygel Lane
Chennai 600 001.

2. The Sub Registrar,
Madhavaram SRO,
Madhavaram.

+1cc to Mr.S.P.Sudalaiyandi, Advocate SR.NO.63353

+1cc to Mr.K.Balaji, Advocate SR.NO.63519

+1cc to Government Pleader SR.NO.64138

EV(CO)

sm:3.10.2018

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