

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.09.2014

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1025 of 2013

Mr.T.Francis Xavier

.. Petitioner

.Vs.

1.The District Registrar,
Registration Department,
State Bank Street,
Coimbatore-18.

2.The Sub Registrar,
Joint-1 Coimbatore (South),
Coimbatore.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 10.09.2012 within a stipulated time frame to be fixed by this Court.

For Petitioner : Mr.V.Srikanth

For Respondents: Mr.P.P.Purushothaman
Government Advocate.

O R D E R

The relief sought for in this writ petition is to direct the first respondent to consider the petitioner's representation dated 10.09.2012, within a stipulated time.

2.The grievances of the writ petitioner is in respect of the registration of fraudulent document by the 2nd respondent-Sub Registrar in Doc.No.1206/2008 dated 12.03.2008. The learned counsel for the writ petitioner states that the petitioner purchased a landed property to an extent of 31.087 cents situated in S.F.No.579/1 in Kurichi Village from one Tmt.Pamela Lakshmi Narayan, for valuable sale consideration, and there was fraudulent activities in respect of the execution of the sale deed by the Vendor in favour of the writ petitioner. In this regard, the writ petitioner submitted a representation to the 1st respondent to conduct an enquiry, and the same has not been

considered. Thus, the writ petitioner is constrained to move the present writ petition.

3.The Inspector General of Registration issued a circular in L.No.4135/01/17/31/7/2018 in respect of conducting of an enquiry, if an allegation of fraudulent registration of an instrument or document are brought to the notice of the District Registrar concerned. In other words, if an appeal is preferred before the District Registrar to conduct an enquiry in respect of the Registration of fraudulent document, then the Deputy Registrar has to conduct an enquiry by affording an opportunity to all the parties concerned, and pass appropriate orders in accordance with the provisions of law. In view of the circular issued by the IG Registration dated 31.07.2018, the first respondent is bound to conduct an enquiry in respect of the complaint made by the writ petitioner, and pass orders on merits and in accordance with law. Accordingly, the first respondent is directed to conduct an enquiry by affording reasonable opportunity to all the parties concerned, and pass final 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, including fresh representation, and all relevant documents along with the order passed in this writ petition.

4.Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

KP
To

- 1.The District Registrar,
Registration Department,
State Bank Street, Coimbatore-18.
 - 2.The Sub Registrar,
Joint-1 Coimbatore (South), Coimbatore.
- + 1 cc to Mr. V. Srikanth, Advocate Sr.60496
+ 1 cc to Government Pleader Sr.60852

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MR(CO)
EU(01/10/2018)