

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.09.2018

CORAM
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.35606 of 2015
and
M.P.Nos. 1 to 3 of 2015
and
W.M.P.No.20992 of 2017

1.C.Durairaj

2.Mrs.C.Logeswari

3.S.Saravanan

4.M.Aravindan

5.Mrs.U.Ugma Bai

....Petitioners

Vs.

1.The Inspector General of Registration
No:100, Santhome High Road
R.A.Puram,
Chennai-28.

2.The Sub-Registrar,
Anna Nagar Registrar Office,
Thirumangalam Junction,
Jawaharlal Salai,
Anna Nagar,
Chennai-40

3.V.K.Ekambaram

4.S.Rajeswari

5.N.Soundary

6.Barathi Balakumar

7.Radha Vedappan

8.P.Mahendran

9.K.Baby

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in Document No.3163/2015 dated 15.07.2015 and quash the same as illegal, incompetent, unconstitutional and without jurisdiction and further direct the 1st respondent to initiate penal action under Section 81 and 82 of the Registration Act as against respondents 2 to 9 as per the demand made on 17.10.2015.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.P.P.Purushothaman,
Government Advocate for R1 & R2.

Mr.R.Manickavel for R3 to R9

O R D E R

The Registration of Document No.3163/2015 dated 15.07.2015, is sought to be quashed in the present writ petition as illegal and without jurisdiction. Further a direction is sought for to the first respondent to initiate penal action under Section 81 and 82 of the Registration Act as against respondents 2 to 9 as per the demand made by the writ petitioner on 17.10.2015.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the registration of the instrument in Document No.3163/2015 dated 15.07.2015, was fraudulent and without any authority. The respondents 2 to 9 have colluded with each other and executed a fraudulent document causing injury to the Civil Rights of the writ petitioner. Thus, the writ petitioner is constrained to move the present writ petition.

3.The learned counsel appearing on behalf of respondents 2 to 9 opposed the contention by stating that the registration of the document was done in accordance with the procedures contemplated and there was no illegality as such contended in the present writ petition. Thus, the writ petition deserves to be rejected.

4.This Court is of an opinion that the dispute now raised by the respective parties in this writ petition can never be adjudicated under Article 226 of the Constitution of India, and such complex and disputed facts are to be adjudicated before the Competent forum constituted for the purpose of conducting an enquiry by producing original documents and by adducing evidence in this regard. This being the principles to be followed, this

Court is of an opinion that the Competent Authorities empowered to conduct an enquiry must be directed to conduct an enquiry in the manner prescribed under law.

5.It is relevant to cite the Circular issued by the Inspector General of Registration in letter No.4153/01/2017 dt.31.07.2018. The Inspector General of Registration delegated the powers to the District Registrar to enable him to take a decision in respect of the fraudulent registration of instruments and other related offences or misconducts. Thus, it is suffice if a direction is issued to the District Registrar is concerned to conduct an enquiry in respect of the grievances now set out in the present writ petition filed by the writ petitioner.

6.Accordingly, the writ petitioner is directed to submit a fresh representation/appeal along with all other relevant documents to the District Registrar concerned within a period of two weeks from the date of receipt of a copy of this order. On receipt of any such appeal/representation from the writ petitioner, the District Registrar concerned shall conduct an enquiry by affording reasonable opportunity to all the parties concerned, and thereafter decide the matter on merits and in accordance with law within a period of twelve weeks.

7.With these directions the writ petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mbi/kp

To

1.The Inspector General of Registration
No:100, Santhome High Road
R.A.Puram,
Chennai-28.

2.The Sub-Registrar,
Anna Nagar Registrar Office,
Thirumangalam Junction,
Jawaharlal Salai,
Anna Nagar,
Chennai-40

3.The District Registrar,
No.100, Santhome High Road,
R.A.Puram,
Chennai - 28.

+2cc to Mr.R.Maickavel, Advocate, S.R.No.63721
+2cc to Mr.V.Raghavachari, Advocate, S.R.No.63395
+1cc to the Government Pleader, S.R.No.63814

W.P.No.35606 of 2015

VSN(CO)

rrs 08/10/2018



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