

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14250 of 2018

M.Ponnurangam

.. Petitioner

-vs-

1. Inspector General of Registration
Santhome High Road
Chennai

2. District Registrar (Administration)
Chengalpattu

3. Joint Sub Registrar-II
Chengalpattu

4. V.Amsaveni

5. P.Ambika

6. Rani

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent to conclude the enquiry proceedings pending in Na.Ka.No.691/A3/2018 dated 10.4.2018 in accordance with the letter bearing No.41530/U1/2017 dated 8.11.2017 issued by the first respondent.

For Petitioner :: Mr.A.Prabhakaran

For Respondents :: Mr.T.M.Pappiah
Special Government Pleader
for R1 to 3

ORDER

The petitioner, claiming to be the absolute owner of the property measuring 0.58 cents in Survey No.56/2, Ninnakarai Village, Chengalpattu Taluk, Kancheepuram District by virtue of the sale deed registered on 17.12.68 on the file of the Sub Registrar, Chengalpattu, has come to this Court seeking a mandamus directing the second respondent to conclude the enquiry proceedings pending on his file in Na.Ka.No.691/A3/2018 dated

10.4.2018 in accordance with the letter bearing No.41530/U1/2017 dated 8.11.2017 issued by the first respondent.

2. Learned counsel for the petitioner submitted that when the petitioner is the absolute owner of the property in question, his brother-in-law Mr.C.Ponnurangam also assisted the petitioner for cultivating the said land. However, taking advantage of the similarity in the name, his brother-in-law has created chitta and adangal by changing his initial with an intention to take away the property. Immediately after noticing the above move, the petitioner also filed a civil suit in O.S.No.102 of 2003 on the file of the District Munsif Court at Chengalpattu and the same is pending. Since the said Mr.C.Ponnurangam died, the legal heirs of the said Mr.C.Ponnurangam, who are no way connected to the petitioner's property, have fraudulently executed a release deed dated 10.11.2017 on the file of the third respondent. This was also wrongly registered in Document No.11050 of 2017 by the third respondent. Thereafter, a complaint also has been given stating that the third respondent, without ascertaining the genuineness of the document produced, wrongly registered the release deed ignoring Section 34(3)(a) of the Act. When Section 34-A empowers the registering authority to enquire and satisfy himself as to the identity of the persons appearing before him for registration and that the registering authority under Section 34(3)(a) can also refuse registration, the complaint has been given and the enquiry also is pending for consideration.

3. The learned Special Government Pleader for the respondents 1 to 3 sought four weeks time to conclude the enquiry.

4. Since the District Registrar (Administration), Chengalpattu has to consider the complaint of the petitioner and to pass appropriate orders, this Court is not inclined to issue notice to the respondents 4 to 6 to avoid inconvenience to them and also loss of time to all the parties. Accordingly, the second respondent is hereby directed to conclude the enquiry proceedings pending in Na.Ka.No.691/A3/2018, in the light of the circular issued by the first respondent dated 8.11.2017, within a period of four weeks from the date of receipt of a copy of this order after hearing the parties. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

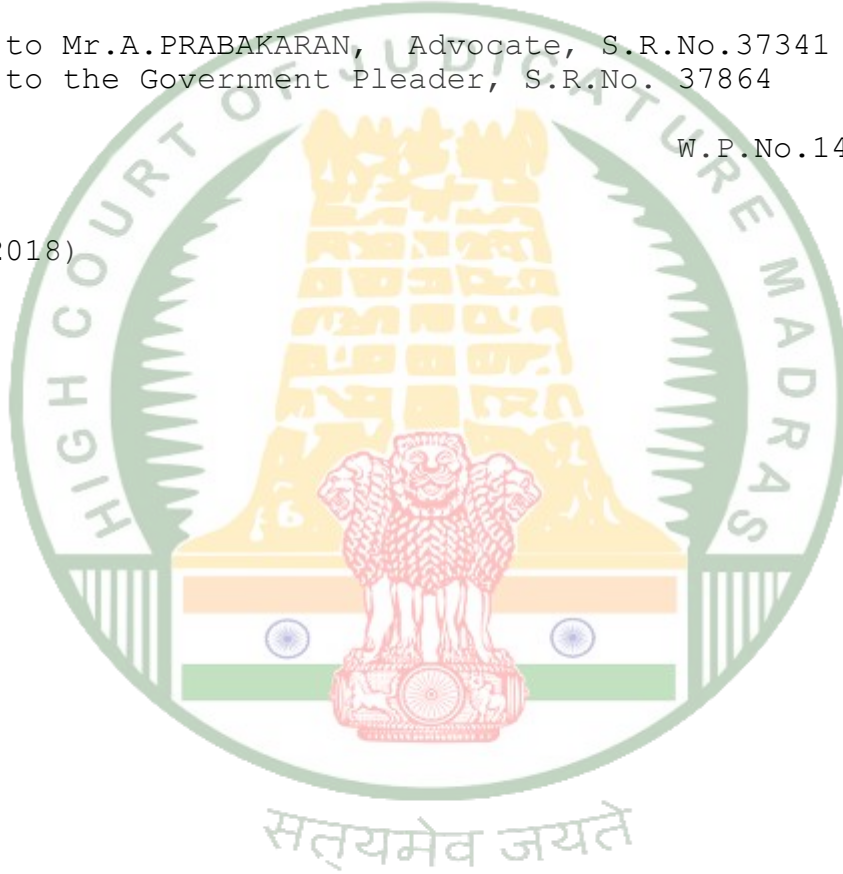
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To

1. The Inspector General of Registration
Santhome High Road
Chennai
2. The District Registrar (Administration)
Chengalpattu
3. The Joint Sub Registrar-II
Chengalpattu.

+1cc to Mr.A.PRABAKARAN, Advocate, S.R.No.37341
+1cc to the Government Pleader, S.R.No. 37864

W.P.No.14250 of 2018

KJ(CO)
TR(06/07/2018)



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