

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.11.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.30375 of 2018
and W.M.P.Nos.35455 and 35456 of 2018

Walter Fernandes

.. Petitioner

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai 600 004
2. The District Registrar (Admin)
Krishnagiri District, Krishnagiri.
3. The Sub-Registrar,
Denkanikottai, Krishnagiri District.
4. The Deputy Superintendent of Police,
Anti Land Grabbing Cell,
Office of Superintendent of Police,
Krishnagiri District.
5. Ivan D'souza

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to furnish the copy of the deposition of the fifth respondent to the petitioner and consequently conduct enquiry in accordance with the provisions of the Tamil Nadu Registration Act, 1908 and the rules made thereunder, after giving opportunity to the petitioner and pass orders in accordance with law.

For Petitioner :Ms.L.P.Maurya

For Respondents 1 to 3 :Mr.T.M.Pappiah

Special Government Pleader

For Respondent-4

:Mr.N.Inbanathan,

Additional Government Pleader

O R D E R

By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has come up with this Writ Petition seeking a direction to the third respondent to furnish the copy of the deposition of the fifth respondent to him and consequently to conduct an enquiry in accordance with the provisions of the Tamil Nadu Registration Act, 1908.

3. According to the learned counsel for the petitioner, the petitioner has submitted representations dated 08.11.2018 and 14.11.2018 requesting to furnish the copy of the deposition of the fifth respondent, but, the same are yet to be disposed of by the third respondent. However, the learned counsel submitted that it would suffice, if the said representations made by the petitioner are directed to be considered by the third respondent, on merits. Learned counsel for the petitioner relied on Registration Manual Part-II of the Registration Department of Tami Nadu, indicating the Departmental Orders therein, wherein, Clause 1017(a) reads as follows:

"1017 (a) Copies of miscellaneous records such as appeal order, deposition, document receipts, petitions and applications may, on payment of the copying fee prescribed in Article 14 of the Table of Fees, be granted to any person connected with them or who shows to the satisfaction of the registering officer that he is entitled to obtain a copy thereof".

4. Heard Mr.T.M.Pappiah, learned Special Government Pleader on behalf of respondents 1 to 3 and Mr.N.Inbanathan, learned Additional Government Pleader on behalf of the fourth respondent.

5. Considering the facts and circumstances of the case and the submissions made on either side, the third respondent is directed to furnish the copy of the deposition of the fifth respondent as sought for by the petitioner in the representations dated 08.11.2018 and 14.11.2018, in the light of Clause 1017(a) of the Registration Manual Part-II of the Registration Department of Tami Nadu, indicating the Departmental Orders therein, within a period of two weeks from the date of receipt of a copy of this order. Once the copy of the deposition of the fifth respondent is furnished to the petitioner, the third respondent is directed to proceed with the enquiry after issuing notice to the petitioner, fifth respondent, as well any of the interested parties and pass orders on merits and in accordance with law within a period of four weeks thereafter. Till then, the third respondent is

directed not to proceed with the enquiry before furnishing the copy of the deposition of the fifth respondent.

6. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition are closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

Srn
To

1. The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai 600 004
2. The District Registrar (Admin)
Krishnagiri District, Krishnagiri.
3. The Sub-Registrar,
Denkanikottai, Krishnagiri District.
4. The Deputy Superintendent of Police,
Anti Land Grabbing Cell,
Office of Superintendent of Police,
Krishnagiri District.

+ 1 cc to Mr. L.P.Maurya, Advocate Sr.78515
+ 1 cc to Government Pleader Sr.79191

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(CS-IX)
EU(23/11/2018)

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