

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5037 of 2019

K.Jayalakshmi

...Petitioner

Vs.

1.The Inspector General of Registration
No.100, Santhome High Road,
Mylapore, Chennai-600 028.

2.The District Registrar
Office of the District Registrar
Chengalpattu - 603 003
Kancheepuram District.

3.The Sub-Registrar
Office of the Sub-Registrar
Thiruporur-603 110
Kancheepuram District.

4.M.Naresh Kumar

5.Kavitha

6.N.Mahaveer

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent to initiate criminal proceedings against the 4th respondent, 5th respondent and 6th respondent under Sections 82 and 83 of the Registration Act, 1908 and also in terms of Circular No.67 dated 03.11.2011 in C.No.52338/C1/2011 and Circular No.41530/U1/2017 dated 20.10.2017, issued by the 1st respondent.

For Petitioner : Mr.N.Theenadayalan
For Respondent : Mr.P.P.Purushothaman
Government Advocate
for R1 to R3.

O R D E R

Mr.P.P.Purushotham, learned Government Advocate takes notice for the respondents 1 to 3.

2. The petitioner seeks for a mandamus directing the third respondent to initiate criminal proceedings against the respondents 4, 5 & 6 under Sections 82 and 83 of the Registration Act, 1908 and also in terms of Circular No.67 dated 03.11.2011 in C.No.52338/C1/2011 and Circular No.41530/U1/2017 dated 20.10.2017, issued by the 1st respondent.

3. Heard the learned counsel for the petitioner.

4. It is seen that the petitioner is aggrieved against the settlement deed executed by the respondents 4 & 5 in favour of the sixth respondent by contending that the respondents 4 & 5 are not having any valid title or right over the subject matter property. Therefore, she seeks for initiating criminal action against the respondents 4 to 6. It is seen that the petitioner has already made an application before the District Registrar, Chengalpattu for cancellation of the said settlement deed and that the said application was rejected on 30.05.2018 by the District Registrar. Therefore, the petitioner has to challenge the said rejection order before the competent Appellate Authority in a manner known to law and not by filing this present writ petition.

5. Accordingly, I find that the present writ petition is not maintainable, unless and until, the petitioner succeeds in her attempt by challenging the rejection order dated 30.05.2018 before the competent authority. It is open to the petitioner to file such an appeal before the competent authority within a period of two weeks from the date of receipt of copy of this order. Accordingly, this writ petition is dismissed as not maintainable. No costs.

//True Copy//

Sd/-
Assistant Registrar(CS)

Sub Assistant Registrar

mk
To

1.The Inspector General of Registration
No.100, Santhome High Road,
Mylapore, Chennai-600 028.

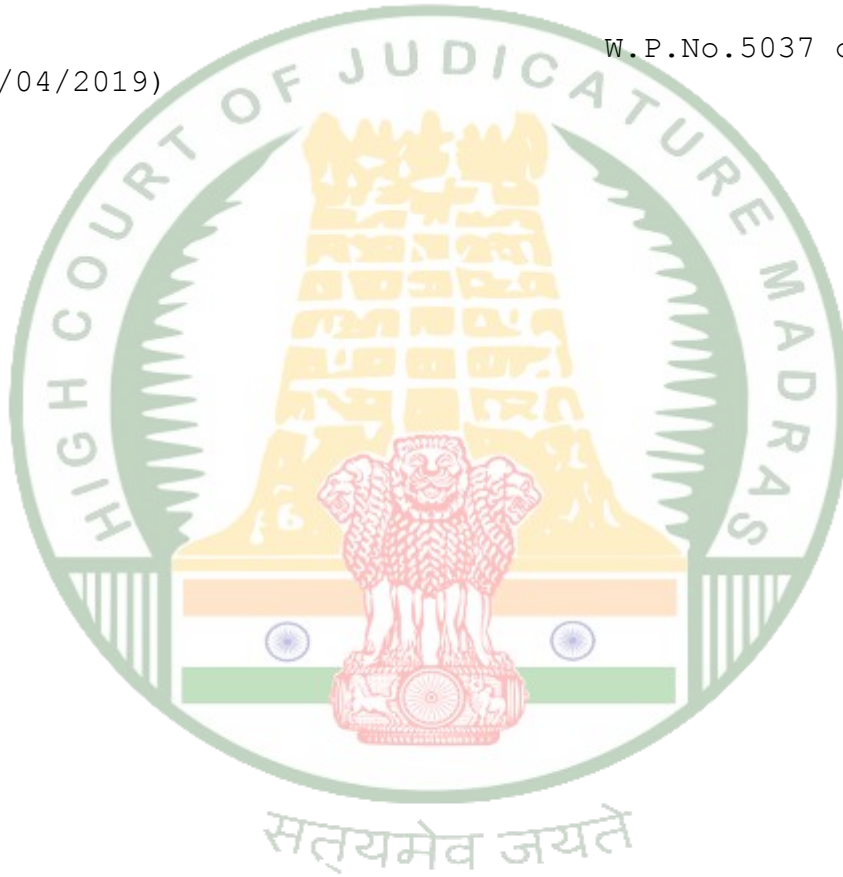
2.The District Registrar
Office of the District Registrar
Chengalpattu - 603 003
Kancheepuram District.

3.The Sub-Registrar
Office of the Sub-Registrar
Thiruporur-603 110
Kancheepuram District.

+1cc to Mr.N.Theenadayalan , Advocate SR.No. 16925
+1 CC TO GOVERNMENT PLEADER SR.NO. 17006

W.P.No.5037 of 2019

A.SK(25/04/2019)



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