

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.4918 of 2019

S.Asai

...Petitioner

Vs.

- 1.The Inspector General of Registration
No.100, Santhome High Road,
Mylapore, Chennai
Tamil Nadu - 600 028.
- 2.The Sub-Registrar
No.9, Taluk Office Road,
Ponneri, Chennai-601 204.
- 3.The Commissioner
Hindu Religious and Charitable Endowments
119, Uthamar Gandhi Salai
Nungambakkam, Chennai-600 034.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to take action and pass orders on the petitioner's representation dated 05.09.2018 pursuant to the directions of the 1st respondent vide letter bearing No.41532/C1/2018 dated 01.10.2018.

For Petitioner : Mr.P.Vasanth

For Respondents : Mr.P.P.Purushothaman
Government Advocate for R1 & R2
Mr.M.Maharaja
Special Government Pleader
for R3

O R D E R

Mr.P.P.Purushothaman, learned Government Advocate takes notice for the respondents 1 & 2. Mr.M.Maharaja, learned Special Government Pleader takes notice for the third respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a Mandamus directing the second respondent to take action and pass orders on his representation dated 05.09.2018 pursuant to the directions of the first respondent dated 01.10.2018.

3. It is claimed by the petitioner that the property, which was purchased by him, is absolutely belonging to him, over which, the third respondent-Department has no right or title. Therefore, it is stated that the second respondent is not justified in refusing to register any document presented in respect of the said property on the reason that the third respondent has objected. It is seen that already the first respondent has directed the second respondent to consider the objections raised by the petitioner dated 05.09.2018 and pass orders on the same. When such being the factual position, it is for the second respondent to consider the petitioner's representation dated 05.09.2018 and pass orders on the same on merits and in accordance with law, after hearing the petitioner as well as the third respondent.

4. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as the second respondent will have to consider the same and pass orders, accordingly. Thus, this writ petition is disposed of, only by directing the second respondent to consider the representation of the petitioner dated 05.09.2018, as directed by the first respondent and pass orders on the same on merits and in accordance with law, after hearing the petitioner, the third respondent and other interested parties, if any. Such exercise shall be done by the second respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

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To

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

WEB COPY

2.The Sub-Registrar
No.9, Taluk Office Road,
Ponneri, Chennai-601 204.

3.The Commissioner
Hindu Religious and Charitable Endowments
119, Uthamar Gandhi Salai
Nungambakkam, Chennai-600 034.

+1 cc to M/s.P.Vasanth, Advocate, S.R.No.16233

+1 cc to Spl.Government Pleader(HR & CE), S.R.No.17238

+1 cc to the Government Pleader, S.R.No.16999

W.P.No.4918 of 2019

RSV(CO)
SSM(28/02/2019).



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