

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :30.09.2019

Coram

THE HON'BLE DR. JUSTICE G. JAYACHANDRAN

W.P.No.13561 of 2019

S.J.Srinivasan

...Petitioner

Vs.

1.The Inspector General of Registration - Tamil Nadu,
100, Santhome High Road,
Chennai - 600 028.

2.The District Registrar - North Chennai [Admn.]
1st Floor, Kuralagam,
Esplanade Road,
Ponneri - 601 204.

3.The Sub-Registrar - Ponneri,
9/5, Taluk Office Road,
Ponneri - 601 204.

4.S.R.Subramaniam

5.M.Nirmala

6.S.U.Nallinipriya

7.R.Kousalya

8.R.Sivaramakrishnan

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue the Writ of Mandamus to direct the respondents 1, 2 and 3 to record the Lease Deed Document No. 6747 of 2013, dated 20.05.2013 and the three Settlement Deeds Document Nos.11745 of 2015, 11746 of 2015 and 11747 of 2015, all dated 26.10.2015 and all at Ponneri Sub-Registrar Office, as fraudulently registered documents vide Section 82 (a) & (d) of the Registration Act, 1908 and to commence prosecution for Section 82 Offences vide Section 83 of the Act and also to make entries in the relevant Index II of the said documents and the copies filed with the registration office to the effect that the documents are found to be fraudulent ones vide the proceedings.

For Petitioner : Mr.S.J.Srinivasan
party-in-person

For RR1 to R3 : Mr.T.M.Pappiah
Special Government Pleader

For RR4 to R8 : Service awaited

O R D E R

Heard the petitioner appearing in person and perused the documents.

2. The grievance of the writ petitioner is that the District Registrar considered his appeal/petition regarding fraudulent transfer of the property which owned by his father and inherited by him, has not been properly considered and the fraudulent transfer of Patta in favour of the respondents 4 to 8 has not taken note of by the District Registrar and has passed an illegal order. The petitioner would further submit that being a illegal order without following the procedure, he has not exercised the statutory appeal remedy available under the Act but invoking Article 226 of the Constitution of India is before this Court seeking amendments. Further, the petitioner would also contend that this matter was earlier dealt by the Inspector General of Registration, which is Appellate Authority and since, he has already dealt with the matter and it may be provided to prefer appeal before him to consider the matter again.

3. A perusal of the impugned order and the communication of the Inspector General of Registration discloses that the petitioner herein has initially made a complaint on 15.12.2017. On a prima facie satisfaction to the Inspector General of Registration on averments made, in the complaint of the petitioner, the Inspector General of Registration has requested the District Registrar to enquire into the matter and submit a report. Accordingly, the communication from the Inspector General of Registration has been forwarded to the Deputy Inspector General of Registration vide communications dated 22.01.2018 and 25.01.2018. Pursuant to that, the petitioner was also intimated about the action taken by the Inspector General of Registration. The communication nowhere indicates that the Inspector General of Registration has dealt with the matter and passed any order. He has only forwarded the complaint after making a preliminary enquiry and being satisfied about veracity of the complaint and there is no impediment for Inspector General of Registration to entertain the appeal at this point of time.

4. Further, it is contended by the petitioner that, the order impugned in this writ petition, which was passed by the District Registration Officer is illegal and not sustainable in law. Any grievance regarding the merits of the order passed by the District Registrar is always open for challenge before the Appellate Authority. The impugned order is speaking order with reasoning. Hence, this Court cannot interfere under Article 226 of the Constitution of India when effective alternative remedy is available to prefer an appeal before the District Inspector General of Registration within sixty days from the date of the impugned order. The petitioner shall prefer an appeal before the District

Inspector of General , who is the Competent Authority, to hear the appeal and any delay in preferring the appeal shall be condoned, taking note of the pendency of the writ petition.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Inspector General of Registration - Tamil Nadu,
100, Santhome High Road,
Chennai - 600 028.
- 2.The District Registrar - North Chennai [Admn.]
1st Floor, Kuralagam,
Esplanade Road,
Ponneri - 601 204.
- 3.The Sub-Registrar - Ponneri,
9/5, Taluk Office Road,
Ponneri - 601 204.

+1cc to Mr.S.J.Srinivasan , Advocate SR.No. 84279
+1 cc to Government Pleader Sr.No. 84561
+2ccs to Mr.S.J.Srinivasan,Advocate SR.No.84279(04/12/2019)
W.P.No.13561 of 2019
A.SK(15/11/2019)

सत्यमेव जयते

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