

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.30930 of 2019

and

W.M.P.No.31021 of 2019

Thalamai Isai Vellalar Sangam

Rep.by its General Secretary,

"Kalaimaamani" Vazhuvur Ravi,

No.32/2, South Kalvaikarai Road,

Manthaiveli, Chennai - 600 028.

... Petitioner

Versus

1. The Inspector General of Registration,
Chennai - 600 028.

2. The District Registrar,
Office of the District Registrar,
Nagapattinam Registration District,
Nagapattinam.

3. The Sub-Registrar,
Office of the Sub Registrar,
Thiruvarur.

... Respondents

PRAYER:-Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondents to conduct an enquiry against the 3rd respondent in light of the Sec.68(2) of Registration Act and the Circular No.41530/V1/2017, dated 08.11.2017, 09.04.2018, 31.07.2018 and 09.11.2018 of the 1st respondent by considering the petitioner's representation dated 24.12.2018 & 03.10.2019 and communication dated 02.08.2019 sent to the 2nd respondent vide Letter No.31632/U3/2019 by the Additional Inspector General of Registration, Chennai.

For Petitioner .. Mr.D.R.Arunkumar

For R1 to R3 .. Mr.T.M.Pappiah,
Special Government Pleader

O R D E R

This Writ Petition is filed, to direct the 1st and 2nd respondents to conduct an enquiry against the 3rd respondent in

light of the Sec.68(2) of Registration Act and the Circular No.41530/V1/2017, dated 08.11.2017, 09.04.2018, 31.07.2018 and 09.11.2018 of the 1st respondent by considering the petitioner's representation dated 24.12.2018 & 03.10.2019 and communication dated 02.08.2019 sent to the 2nd respondent vide Letter No.31632/U3/2019 by the Additional Inspector General of Registration, Chennai.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3.

3. The petitioner's Sangam is the owner of land measuring 5379 sq.feet in Town Survey No.2611, Thiruvarur Town. The revenue records till 2007 indicates the petitioner's sangam as the owner of the said land. While so, in the year 2001, the Town Survey Register has been forged to show as if the said land belongs to one Samiappan. Based on the forged entry, he conveyed the property to one Kuppusamy. When the petitioner came to know about this fraudulent entry in the Town Survey Register, he gave a complaint to the Revenue Divisional Officer pointing out the fraudulent change in the owners name. On considering the representation and after enquiry, the R.D.O has cancelled the patta transferred in the name of Kuppusamy. Subsequently, the entry in the Town Survey Register also been changed in the name of the petitioner's society.

4. In the light of the finding of forged entry made by the officials of Registration Department, the petitioner has given complaint on 24.12.2018 to initiate action against the third respondent under Section 68(2) of the Registration Act for illegal Registration. Since, no action was taken after lapse of several months, the present Writ Petition is filed seeking Writ of Mandamus directing the first and second respondents to conduct an enquiry against the third respondent, in the light of Section 68(2) of the Registration Act and other relating circulars issued by the Registration Department.

5. The learned Special Government Pleader would submit that the representation of the petitioner has been taken up for consideration by the additional Inspect General of Registration and he had directed the District Registrar, Nagapattinam to proceed against the third respondent under Section 68(2) of the Act. He would further submit that the enquiry will be completed within a period of eight weeks after affording give opportunity to the parties concerned.

6. Recording the above submissions of the learned Special Government Pleader, this Writ Petition is disposed of directing the second respondent to conduct enquiry on the representation given by the petitioner in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order. Till the final order is passed, there shall not be any registration of document pertaining to the subject property. No costs. Consequently, connected W.M.P is closed.

Sd/-

Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector General of Registration,
Chennai - 600 028.
2. The District Registrar,
Office of the District Registrar,
Nagapattinam Registration District,
Nagapattinam.
3. The Sub-Registrar,
Office of the Sub Registrar,
Thiruvarur.

+1 cc to M/s.D.R.Arun Kumar, Advocate Sr.No. 95745

+1 cc to The Government Pleader Sr.No. 96078

AKM/20.12.19/3P-6C /

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