

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:21.11.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.32647 of 2019

Venkatesh

.. Petitioner

/versus/

1.The District Registrar,
Registration Department,
Krishnagiri District,
Krishnagiri.

2.The Sub Registrar,
Registration Department,
Soolagiri,
Krishnagiri District.

3.K.A.Srinivasan

4.M.Mallesappa

5.Santhamma

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent herein to initiate proceedings under Section 82 of the Registration Act, 1908 against the 3rd respondent herein in continuation of his proceedings in Lr.No.435/2018 dated 07.11.2018 within a stipulated period.

For Petitioner :Mr.K.Govi Ganesan

For Respondents :Mr.T.M.Pappiah, Spl.G.P.

For R1 and R2

ORDER

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

2.This writ petition has been filed seeking Writ of Mandamus directing the 2nd respondent herein to initiate proceedings under Section 82 of the Registration Act, 1908 against the 3rd respondent herein in continuation of his proceedings in Lr.No.435/2018 dated 07.11.2018 within a stipulated period.

3.Heard Mr.K.Govi Ganesan, learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned special government pleader, who takes notice for respondents 1 and 2.

4.The grievance of the petitioner is that the power of attorney executed by him and the other co-owners in favour of the 3rd respondent K.A.Srinivasan, was cancelled vide Doc.No.340/2010 on 30.12.2010. Suppressing the cancellation of the power of attorney, the 3rd respondent has alienated the property to the 4th respondent on 19.01.2011 and therefore, the petitioner has given a complaint to the Sub Registrar, Soolagiri Taluk, to take action against the 3rd respondent. Pursuant to the complaint, the Sub Registrar has caused notice to the 3rd respondent to appear before him to show cause why action should not be taken against him under Section 82 of the Registration Act. Now, the petitioner is before this Court alleging that after notice, there is no progress in his complaint. Therefore, Mandamus is required to direct the 2nd respondent to expedite the enquiry and proceed in accordance with law.

5.In view of the fact that the complaint has been acted upon by the Sub Registrar by causing notice to the 3rd respondent on 07.11.2018 calling upon the 3rd respondent to submit his explanation, this Court is unable to see any materials, which cause impediment to the 2nd respondent completing the enquiry. Hence, the 2nd respondent is directed to complete the enquiry by affording opportunity to all the parties concerned, within a period of three months from the date of receipt of a copy of this order, if there is no legal impediment.

6.With the above direction, this writ petition is disposed of. No costs.

Sd/-

सत्यमेव जयते Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

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To:

1.The District Registrar,
Registration Department,
Krishnagiri District,
Krishnagiri.

2.The Sub Registrar,
Registration Department,
Soolagiri,
Krishnagiri District

+1cc to Mr.K.Govi Ganesan, Advocate SR.No.97296

+1cc to Government Pleader SR.No.97552

W.P.No.32647 of 2019

RSY (CO)
GMY (27/11/2019)



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