



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.5132 2018

and

W.M.P. (MD) No.5114 of 2018

K.Alphonse Gomaz

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
Tirunelveli, Tirunelveli District.

2.The Sub-Registrar,
Office of the Sub-Registrar,
Panakudi, Radhapuram Taluk,
Tirunelveli District.

3.M.Sagaya Edward Rajan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the first respondent in Ref.No.3003/E1/2017, dated 26.10.2017 and quash the same and consequently, direct the second respondent to delete the entries in Book IV corresponding to register sale deed Document No.287 of 2002 registered on the file of the second respondent executed in favour of the third respondent created by fraud and impersonation and in violation of Section 32 of the Registration Act, 1908.

For Petitioner : Mr.R.Chandrasudan

For R1 & R2 : Mr.M.Murugan
Government Advocate

ORDER

The writ petitioner seeks annulment of the petition mentioned sale deed.

2.The petitioner's request was negatived by the first respondent on the ground that the petitioner will have to approach the jurisdictional Civil Court. The stand taken by the first respondent cannot be faulted. But then, the first respondent can hold an enquiry on the petitioner's complaint as per the circular bearing letter No.41530/U1/2017, dated 31.07.2018.



3. Therefore, this Court directs the first respondent to hold an enquiry and pass appropriate final orders in accordance with law after hearing the writ petitioner as well as the third respondent. The entire exercise shall be concluded within a period of twelve weeks from the date of receipt of a copy of this order. The writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

/ True Copy /

Sub Assistant Registrar (CS)

To

1. The District Registrar,
Office of the District Registrar,
Tirunelveli, Tirunelveli District.

2. The Sub-Registrar,
Office of the Sub-Registrar,
Panakudi, Radhapuram Taluk,
Tirunelveli District.

+1 CC to M/s.N.KAMESH, Advocate (SR-61692[F] dated 23/04/2019)
+1 CC to M/s.SPL GP (SR-62190[F] dated 24/04/2019)

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ES/09.05.2019/2P/5C