



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

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CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.14160 of 2019

L.Durai Raj

... Petitioner

-Vs-

1.The Deputy Inspector General of
Registration,
Office of the Deputy Inspector General of
Registration,
Trichy District.

2.The District Registrar (Administration),
Office of the District Registrar,
Trichy Districty.

3.The Sub Registrar,
Manachanallur Sub Registrar Office,
Trichy District.

4.Sesu Raj

5.Edward Singarayar

6.Gracy Mary

7.Muthaparanam

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent to dispose the petitioner representation dated 30.03.2019 in the light of the 1st respondent letter in Na.Ka.No.1728/Aa/2019 dated 01.04.2019.

For Petitioner : Mr.N.Marimuthu

For Respondents : Mr.M.Murugan, G.A. For RR1 to 3

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 2nd respondent to dispose the petitioner representation dated 30.03.2019 in the light of the 1st respondent

letter in Na.Ka.No.1728/Aa/2019 dated 01.04.2019.



2. Heard Mr.N.Marimuthu, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents 1 to 3. Since no adverse order is going to be passed against the respondents 4 to 7, notice to them is hereby dispensed with.

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3. Though the petitioner wants the prayer of considering the representation dated 30.03.2019 for two purposes viz., (i) for conducting an enquiry as to whether the registering authority has committed any mistake in registering a partition deed in the year 2010 and if so, initiate action against the erring official and (ii) to cancel the said partition deed registered on 12.10.2010, however, the learned counsel appearing for the petitioner submits that insofar as the request for conducting an enquiry alone, the petitioner wants to confine his prayer and in respect of cancellation of partition deed of the year 2010, the petitioner will workout his remedy by approaching the competent civil Court for appropriate relief.

4. I have heard the learned Government Advocate appearing for the respondents 1 to 3, who would submit that, the registering authority does not have power to cancel the document already been registered and in this regard, the aggrieved party can go and approach the civil Court by filing appropriate civil suit to get declaration. However, the learned Government Advocate would submit that, insofar as conducting an enquiry is concerned, under Section 68(2) of the Registration Act, an enquiry can be conducted and only in that regard, his representation dated 30.03.2019 would be considered within a time frame and an order would be passed thereon.

5. Having considered the said submission made by the learned counsel for both the parties, this Court is inclined to dispose of this writ petition, with the consent of both the parties, at the admission stage itself, with the following direction:

"The 2nd respondent is directed to consider the representation of the petitioner dated 30.03.2019 and pass orders thereon, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. While passing such order as directed above, the 2nd respondent shall confine only with regard to the possibility of conducting an enquiry under Section 68(2) of the Registration Act and insofar as the cancellation of partition deed is concerned, no enquiry can be conducted as that issue can be agitated by the petitioner before the competent civil Court."



6. With this direction, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (writs)

// True Copy //

Sub Assistant Registrar(CS)

Arul

To

1. The Deputy Inspector General of
Registration,
Office of the Deputy Inspector General of
Registration,
Trichy District.
2. The District Registrar (Administration),
Office of the District Registrar,
Trichy Districty.
3. The Sub Registrar,
Manachanallur Sub Registrar Office,
Trichy District.

+1CC TO M/S.N.MARIMUTHU, ADVOCATE, SR.NO.71149

+1CC TO M/S. SPECIAL GOVERNMENT PLEADER SR.NO.71508

Order made in
W.P. (MD) No.14160 of 2019

Dated:

25.06.2019

BUC(11.07.2019) 3P 6C