



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.08.2019**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.18223 of 2019

K.N.Prabu

... Petitioner

-Vs-

1.The District Registrar (Administration),
Registration Department,
Registrar Office,
Karur.

2.The Sub Registrar,
Mala Karur Sub Registrar's Office,
Mala Karur,
Karur District.

3.Sankar

4.S.Nivas

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to initiate criminal prosecution under Section 83 of Registration Act against the respondents 3 and 4 herein as per the representation of the petitioner, dated 18.07.2019.

For Petitioner	: Mr.AR.L.Sundaresan Senior Counsel for Mr.R.Vijayakumar
For Respondents	: Mr.V.Anand (For R1 & R2) Government Advocate

ORDER

The prayer sought for in this writ petition is that, to direct the respondents 1 and 2 to initiate criminal prosecution under Section 83 of Registration Act against the respondents 3 and 4 herein, as per the representation of the petitioner, dated 18.07.2019.

2.Heard Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the petitioner, Mr.V.Anand, learned Government Advocate appearing for the respondents 1 and 2. Since no adverse order is going to be passed against the respondents 3 and 4, notice to them is dispensed with.

3.With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

4.With regard to the land at Survey Nos.150/A, 150/B, 138/A and 138/B situated in Lakshmaninarayana Samuthiram Village, Karur



Taluk, Karur District, the petitioner has given a complaint on 18.07.2019 to the respondents 1 and 2 to conduct an enquiry as against the erring officials and also against the respondents 3 and 4 and in this regard, since the said request is still pending, the petitioner has approached this Court with the aforesaid prayer.

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5.The learned counsel appearing for the petitioner would submit that, insofar as the said representation of the petitioner is concerned, though a prayer has been sought for, that would be enquired under Section 83 of the Registration Act, therefore, the petitioner is confined his prayer, let the respondents, especially, the first respondent conduct the enquiry, within the meaning of Section 68(2) of the Registration Act and as per the conclusion reached by the first respondent, after enquiry, further follow up action can be taken by him, which includes under Section 83 of the Registration Act.

6.I have heard Mr.V.Anand, learned Government Advocate appearing for the respondents 1 and 2, who would submit that, the said representation/complaint of the petitioner, dated 18.07.2019 would be enquired and decided by the first respondent, on merits and in accordance with law, especially under provisions of Section 68 (2) of the Registration Act, within a time frame to be stipulated by this Court.

7.Having regard to the said submissions made by both sides and by taking into factual matrix of this case, this Court is inclined to dispose of this writ petition with the following directions:-

"that the first respondent is hereby directed to enquire, pursuant to the complaint/representation of the petitioner, dated 18.07.2019, of course after giving an opportunity of being heard to the petitioner as well as the private respondents 3 and 4 by sending them separate notices and thereupon, completing the enquiry, pass final order, within a period of six weeks from the date of receipt of a copy of this order."

8.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)



1.The District Registrar (Administration),
Registration Department,
Registrar Office,
Karur.

2.The Sub Registrar,
Mala Karur Sub Registrar's Office,
Mala Karur,
Karur District.

+1 CC to M/s.R.VIJAYKUMAR, Advocate (SR-83093[F] dated 22/08/2019)

+1 CC to M/s.SPL GP (SR-83318[F] dated 26/08/2019)

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