



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.09.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P (MD) No.20363 of 2019

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Geo Vigila

... Petitioner

/vs./

1.The Joint Sub Registrar,
Office of the Joint Sub-Registrar,
Kayathar,
Tirunelveli District.

2.S.T.Ramachandran Naidu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to release the sale deed dated 9.5.2018 in temporary document No.TP/14037194/2018 in Receipt No.2228/2018 executed by Smt.J.Vijayalakshmi, W/o.P.Jayachandra Babu and others, through their Power Agent P.Kumar, S/o.Padmanabhan, in favour of petitioner in respect of land bearing Survey No.235/2, 5 Acres 45 cents in Mela Ilandaikulam Village, Sankarankovil Taluk, Tirunelveli District within the period as stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For R-1 : Mr.V.Anand

Government Advocate

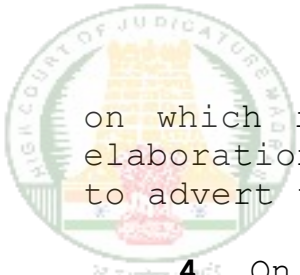
ORDER

Mr.A.Haja Mohideen, learned counsel on record for writ petitioner and Mr.V.Anand, learned Government Advocate who accepts notice on behalf of first respondent (official respondent) are before this Court.

2. Second respondent is a private respondent. From the submissions made before this Court and from the case file placed before this Court, it comes to light that this writ petition can be disposed of by an order which does not adversely impact the rights of the second respondent ie., private respondent. Therefore, with consent of learned counsel for writ petitioner and State counsel, main writ petition is taken up, heard out and being disposed of.

3. Writ petitioner presented a draft sale deed dated 09.05.2018 for registration in the office of the first respondent

<https://hcmilnettservices.in/home> into rough weather. Considering the narrow scope



on which instant writ petition now turns, short facts shorn of elaboration will suffice. In other words, it may not be necessary to advert to factual matrix in great detail.

4. On the said draft sale deed running into rough weather, first respondent embarked upon the exercise of conducting an enquiry and there is no disputation or disagreement that first respondent sent a notice (அறிவிப்பு எண்.12) dated 05.10.2018 bearing 'reference No.Niluvai Aavana No.P8/2018' (hereinafter referred to as 'impugned notice' for the sake of brevity).

5. A perusal of impugned notice reveals that the writ petitioner as well as other parties concerned have been called upon to appear with supporting documents before the first respondent on 12.10.2018 at 11.00 a.m., in the forenoon.

6. Learned counsel for writ petitioner submits that the writ petitioner responded, went before the first respondent and produced supporting documents. It is the case of the writ petitioner that all other parties concerned including second respondent came before the first respondent and first respondent heard them also. It is submitted by writ petitioner that the enquiry is complete, but orders have not been passed.

7. Learned State counsel submits that impugned notice having been issued the same will be carried to its logical end.

8. Impugned notice being carried to its logical end will necessarily mean that all parties concerned/all parties interested including and more particularly, second respondent ie., private respondent have to necessarily be put on notice and given reasonable opportunity, before impugned notice is carried to its logical end, if it has not already been done.

9. Therefore, this Writ Petition is disposed of with a direction to the first respondent to conclude the enquiry which has commenced vide said order and in accordance with law, after hearing all parties who have interest, if not already heard and pass orders as expeditiously as possible and in any event within eight (8) weeks from the date of receipt of a copy of this order. The order so passed by the first respondent shall be communicated to the writ petitioner, second respondent and all other parties concerned under due acknowledgement within seven (7) working days from the date of receipt of a copy of this order.

10. Though obvious it is made clear that the enquiry being carried out by the first respondent and the said notice being carried to its logical end



will be in accordance with parameters and determinants adumbrated in Registration Act and Rules therein, besides applicable laws which vest the first respondent with powers in this regard. No costs.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

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To

The Joint Sub Registrar,
Office of the Joint Sub-Registrar,
Kayathar,
Tirunelveli District.

+2 CC to M/s.A.HAJA MOHIDEEN, Advocate (SR-88502,88279[F] dated 23/09/2019)

+1 CC to M/s.GP (SR-88529[F] dated 23/09/2019)

Order made in
W.P(MD)No.20363 of 2019

Dated:
20.09.2019

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