



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.09.2019**

CORAM:

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

W.P(MD)No.20333 of 2019

Raja

... Petitioner

/vs./

1.The District Registrar,
Registration District of Karaikudi,
District Registrar Office,
Karaikudi, Sivagangai District.

2.The Sub Registrar,
The Sub Registrar Office of Aranthangi,
Aranthangi,
Pudukkottai District.

3.Chinnammal

4.Vellaiyammal

... 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 conduct enquiry and pass appropriate order regarding the registration of Doc.No.4234/2013 in the office of the 2nd respondent by the 3rd respondent in favour of 4th respondent by considering petitioner's representation dated 30.8.2019.

For Petitioner : Mr.R.Paranjothi

For R-1 & R-2 : Mr.V.Anand

Government Advocate

ORDER

Mr.R.Paranjothi, learned counsel on record for writ petitioner is before this Court.

2. Mr.V.Anand, learned Government Advocate, accepts notice on behalf of respondents 1 and 2 (official respondents).

3. To be noted, respondent Nos.3 and 4 are private respondents. In the hearing, learned counsel for writ petitioner restricts the prayer to disposal of representation. From the abridged prayer it comes to light that an order, which is not adverse to respondents 3 and 4 (private respondents) can be passed, after making sufficient and adequate safe-guards in this regard.



4. With consent of learned counsel on record for the writ petitioner and learned Government Advocate, who accepts notice on behalf of respondents 1 and 2 (official respondents), main writ petition is taken up, heard out and is being disposed of.

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5. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 30.08.2019 wherein writ petitioner has sought action regarding fraudulent registration of documents as per Circular No.41530/U1/2017 dated 08.11.2017.

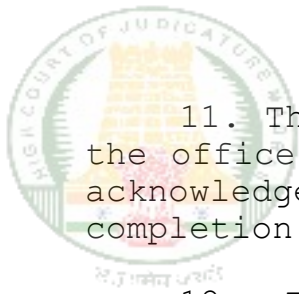
6. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner (as mentioned supra) abridges the scope of the writ petition and submits that it will suffice if the first respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 30.08.2019, details of which have been alluded to supra.

7. Learned State counsel submitted that the first respondent is the authority who shall consider the aforementioned representation dated 30.08.2019 made by the writ petitioner (page No.30 of the typed set of papers forming part of the case file).

8. The aforesaid representation dated 30.08.2019 shall be disposed of by the first respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

9. It is made clear that in the course of the representation being considered by the first respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the first respondent shall put on notice and give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of the aforementioned writ petitioner's representation. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter. It is also made clear with specificity that respondent Nos.3 and 4 have to be put on notice and given a reasonable opportunity by the first respondent before taking a decision.

10. Though obvious, it is made clear that petitioner abridging the prayer will not tantamount to writ petitioner giving up the contentions raised in the writ petition. In other words, all contentions raised in the writ petition are left open.



11. The proceeding / order of disposal shall be communicated by the office of the first respondent to the writ petitioner under due acknowledgement within seven (7) working days from the date of completion of aforesaid exercise.

12. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Registrar,
Registration District of Karaikudi,
District Registrar Office, Karaikudi, Sivagangai District.

2.The Sub Registrar,
The Sub Registrar Office of Aranthangi,
Aranthangi, Pudukkottai District.

+1 CC to M/s.K.BAALASUNDHARAM, Advocate (SR-88051[F] dated 20/09/2019)

+1 CC to M/s.GP (SR-88576[F] dated 23/09/2019)

Order made in
W.P(MD)No.20333 of 2019

Dated:
20.09.2019

sm

JM/03.10.2019/3P/5C