



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.20387 of 2019

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Vanitha Sanjay

... Petitioner

vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Mullimanagar, Mandhavelipakkam,
Raja Annamalaipuram, Chennai - 600 028.

2.The District Registrar,
No.171, Palace Road, Madurai - 625 001.

3.The Sub-Registrar,
Tiruparamkundram Region,
No.1, RRD, 8/A, Gandhiji 4th Street,
1st Floor, Thirunagar 7th Stop,
Madurai - 625 016.

4.A.Rajasekaran

... Respondents

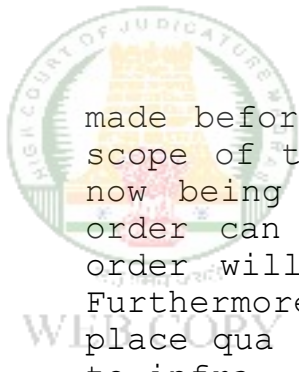
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to restrain the fourth respondent by making any registration of sale deed, sale agreement etc., in respect of the property situated in Door No.2/83, bearing Survey No.122/8, 10, R.S.No.122/5 admeasuring to an extent of 11 cents and 64 sq.ft at Kamaraj Street, Tirunagar, Tiruparamkundram Village in favour of any 3rd party in terms of the order passed by the third respondent in his proceedings in Na.Ka.No.195/2019 dated 28.08.2019 and by considering the petitioner's representation dated 22.08.2019.

For Petitioner : Mr.R.Vignesh
For RR 1 to 3 : Mr.V.Anand,
Government Advocate.

ORDER

Mr.R.Vignesh, learned counsel on record for writ petitioner and Mr.V.Anand, learned Government Advocate, who has accepted notice on behalf of respondents 1 to 3 (official respondents), are before this Court.

2.To be noted, respondent No.4 is a private respondent. From the case file placed before this Court and nature of submissions



made before this Court, at the hearing more particularly, abridged scope of the writ petition and abridged prayer ie., prayer that is now being sought for in the hearing, it emerges clearly that an order can be passed disposing of this Writ Petition, wherein the order will not adversely impact the rights of fourth respondent. Furthermore, adequate safe-guards / safety valve shall be put in place qua rights of fourth respondent and the same shall be alluded to infra.

3.In the aforesaid backdrop, with consent of learned counsel for writ petitioner and learned Government counsel / State counsel, main writ petition is taken up, heard out and is being disposed of.

4.It is submitted by learned counsel for writ petitioner that writ petitioner entered into a joint venture agreement dated 12.12.2013 with fourth respondent for development of a property at 'Block No.C-233, Kamaraj Street,Tirunagar Colony of Tiruparamkundram Co-operative House Construction Society Limited comprised in Survey Nos.2/83 and 122/8, 10 - R.S.No.122/5 admeasuring 11 cents and 64 sq.ft or thereabouts at Kamaraj Street' (hereinafter referred to as 'said property' for brevity).

5.This Court does not express any opinion on the joint venture agreement or the contentions in the affidavit filed in support of writ petition, though the joint venture ran into rough weather. All those issues are left open in the light of writ petitioner abridging the prayer and scope of the writ petition.

6.At the hearing, learned counsel for writ petitioner, on instructions, submitted that writ petitioner has sent a complaint dated 22.08.2019 *inter alia* to third respondent before this Court.

7.To be noted, the complaint is addressed to the Inspector General of Registration, Chennai and one of the copies have been marked to the third respondent. Acknowledgement cards, evidencing receipt of the said complaint, have also been annexed. More importantly, a communication dated 28.08.2019 bearing Reference Na.Ka.No.195/19 has been placed before this Court wherein according to learned counsel for writ petitioner, third respondent has forwarded aforesaid complaint of writ petitioner to the second respondent.

8.What is of significance is a copy of this 28.08.2019 communication from third respondent to second respondent has been marked to writ petitioner and that copy has been placed before this Court.

9.Abridging the scope of writ petition and abridging the prayer, learned counsel for writ petitioner submits that it will suffice if there is a direction to the second respondent to dispose of writ petitioner's complaint on its own merits, in accordance with



law and after putting on notice fourth respondent (private respondent) as well as any other person or entity who may have interest in said property. To be noted, this is the safe-guard / safety-valve qua rights of fourth respondent (private respondent) which has been alluded to supra elsewhere in this order.

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10.The second respondent is, therefore, directed to consider the complaint of writ petitioner dated 22.08.2019 (page Nos.20 to 25 of the typed set of papers forming part of the case file) on its own merits, in accordance with law and after putting on notice fourth respondent and more particularly after giving reasonable opportunity to fourth respondent. Besides fourth respondent, any other persons having interest in said property shall be put on notice and reasonable opportunity given to such persons / entities. This exercise shall be completed by second respondent within the parameters of 'Registration Act and Rules' therein (hereinafter referred to as 'said Act and Rules' for brevity) besides any Circulars issued under said Act and Rules within a period of twelve weeks from the date of receipt of a copy of this order. Outcome of the exercise shall be communicated by second respondent to writ petitioner, fourth respondent and all other persons, who are put on notice and given reasonable due opportunity, within seven days from the date of conclusion.

11.Though obvious, it is made clear that this Court has not expressed any opinion or merits of the matter or in other words all questions are left open. To put a differently, second respondent while considering the complaint / representation of writ petitioner dated 22.08.2019 in the aforesaid manner, shall do so on its own merits and in accordance with law.

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

Sd/-

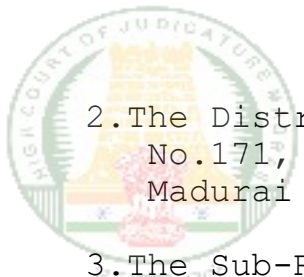
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector General of Registration,
No.100, Santhome High Road,
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ps

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