



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2019

CORAM:

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

W.P (MD) No.21268 of 2019

WEB COPY

Zahir Hussain

... Petitioner

/vs./

1.The Inspector General of Registration,
No.120, Santhome High Road,
Chennai-28.

2.The District Registrar (Administration),
Karur District, Karur.

3.The Sub Registrar,
Nangavaram Sub Registrar Office,
Nangavaram, Kulithalai Post,
Karur District.

4.The Manager,
HDFC (Housing Development) Insurance
Corporation Ltd.,
111, Achiyutha Complex,
Bharathidasan Salai,
Cantonment, Trichy.

5.Jailani Batcha

6.Sadhunisha Begam

7.Sarbudeen

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to complete the enquiry and pass final order in proceeding of Na.Ka.No.3023/Aa1/2018 dated 08.07.2019 which is pertaining to registration of three documents as Document Nos.433/2015, 1231/2015 and 300/2017 by the respondents 5 to 7 at the third respondent Sub-Registrar Office.

For Petitioner : Mr.R.Murugappan

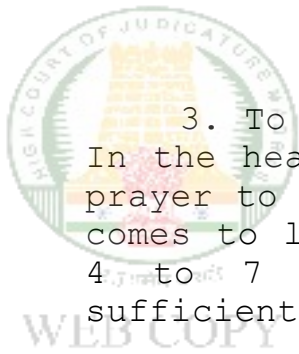
For R-1 to R-3 : Mr.V.Anand (for R1 to R3)
Government Advocate

ORDER

Mr.R.Murugappan, 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 to 3.

<https://hseervices.ecourts.gov.in/hseervices>



3. To be noted, respondent Nos.4 to 7 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 4 to 7 (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 to 3 (official respondents), main writ petition is taken up, heard out and is being disposed of.

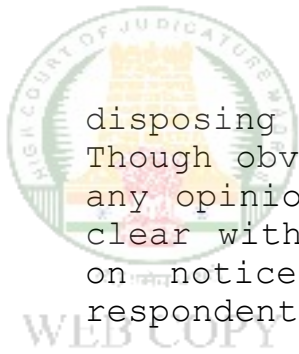
5. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 30.06.2019 wherein writ petitioner has alleged fraudulent registration of documents and sought action. Pursuant to the representation dated 30.06.2019, the second respondent has issued an enquiry notice on 08.07.2019 bearing Na.Ka.No.3023/M1/2018 fixing the enquiry on 29.07.2019 at 01.30 pm.

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 second respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 30.06.2019, details of which have been alluded to supra.

7. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representation dated 30.06.2019 made by the writ petitioner (page Nos.37 to 39 of the typed set of papers forming part of the case file).

8. The aforesaid representation dated 30.06.2019 shall be disposed of by the second respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight (8) 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 second respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the second 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.4 to 7 have to be put on notice and given a reasonable opportunity by the second 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 second 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 (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

rmk
To

1.The Inspector General of Registration,
No.120, Santhome High Road,
Chennai-28.

2.The District Registrar (Administration),
Karur District, Karur.

3.The Sub Registrar,
Nangavaram Sub Registrar Office,
Nangavaram, Kulithalai Post,
Karur District.

+1 CC to M/s.R.MURUGAPPAN, Advocate (SR-91508[F] dated 04/10/2019)

Order made in
W.P (MD) No.21268 of 2019

Dated:
04.10.2019