



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2019

CORAM:

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

W.P(MD)No.21277 of 2019

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Muralisundaram

... Petitioner

/Vs./

- 1.The Inspector General of Registration,
Registration Department,
Chennai.
- 2.The District Registrar,
Office of the District Registrar, Trichy.
- 3.The Joint Sub Registrar No.1,
Joint Sub Registrar Office, Trichy.

4.R.V.Kannan

5.Jothibai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent herein to conclude the enquiry pertaining to the registered document No.5590/1978, 5591/1078 and 5285/1981 in respect of the house site property situated at Indian Bank Colony, Simco meter Road, K.K.Nagar, Trichy City with reference to enquiry notice dated 02.07.2019 in Na.Ka.No.1229/A4/2019 within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu
For R-1 to R-3 : Mr.M.Murugan
Government Advocate

ORDER

Mr.B.Jameel Arasu, learned counsel on record for writ petitioner is before this Court.

2. Mr.M.Murugan, learned Government Advocate, accepts notice on behalf of respondents 1 to 3.

3. To be noted, respondent Nos.4 & 5 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 & 5 (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.

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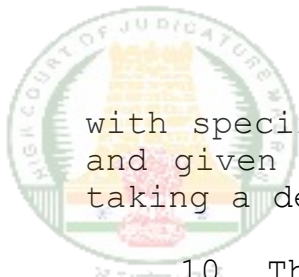
5. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 02.02.2019 wherein writ petitioner has alleged a fraudulent registration of document and sought action. To be noted, pursuant to the representation dated 02.02.2019, second respondent has issued hearing notice signed on 02.07.2019 fixing the enquiry on 15.07.2019 and this Court is informed there were some proceeding before the second respondent on 15.07.2019. Now, learned State counsel submits that the enquiry has to continue and be concluded in accordance with circular issued by Office of the Inspector General of Registration, Chennai, dated 31.07.2018 bearing reference Letter No.41530/U1/2017, which deals with guidelines for dealing with complaints of fraudulent registration.

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 02.02.2019, 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 02.02.2019 made by the writ petitioner (page Nos.44 & 45 of the typed set of papers forming part of the case file).

8. The aforesaid representation dated 02.02.2019 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 third 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 & 5 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. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

rmk

To

1.The Inspector General of Registration,
Registration Department,
Chennai.

2.The District Registrar,
Office of the District Registrar,
Trichy.

3.The Joint Sub Registrar No.1,
Joint Sub Registrar Office,
Trichy.

+1CC TO MR.B.JAMEEL ARASU, Advocate Sr. No.91466
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 91654

Order made in
W.P(MD)No.21277 of 2019
Dated:04.10.2019

DM(CO)
TR(21.10.2019) 3P 6C