



WEB COPY

W.P(MD)No.21915 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.21915 of 2019

and

W.M.P(MD)No.18675 of 2019

P.Keerthiga

... Petitioner

vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.120, Santhome High Road,
Chennai - 600 028.

2.The District Registrar,
Registration Department,
Madurai District.

3.The Sub-Registrar,
Sub-Registrar Office,
Checkanoorani,
Madurai District.

4.The Revenue Divisional Officer,
Thirumangalam,
Madurai District.

5.A.Vairan

6.C.K.Sharmila

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to take appropriate action to cancel the entries from the register maintained for encumbrance pertaining to the entries made on the basis of the Cancellation deed dated 20.01.2006 bearing Document No.39/2006 and the Othi Deed bearing Document No.712/2006 dated 28.06.2006 registered on the file of the third respondent as the same as are fraudulent pertaining to the petitioner's property in Survey No.172/2 to an extent of 4 acres 75 cents situated at Karadikal Village, Thirumangalam Taluk, Madurai District in terms of the Circular No.41530/A1/2017 dated 20.10.2017 issued by the first respondent based on the petitioner's representation dated 13.08.2019.



For Petitioner : Mr.B.Aravindan
For RR 1 to 4 : Mr.M.Murugan,
Government Advocate.

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ORDER

Mr.B.Aravindan, 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 4 (official respondents).

3. To be noted, respondents 5 and 6 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 5 and 6 (private respondents) can be passed, after making sufficient and adequate safe-guards in this regard.

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

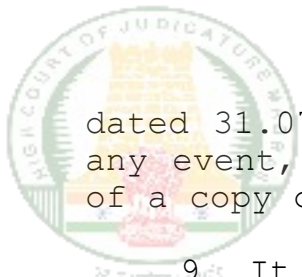
5. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 13.08.2019 wherein writ petitioner has made complaint of fraudulent registration of some documents.

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 dated 13.08.2019, 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 13.08.2019 made by the writ petitioner (page Nos.90 to 92 of the typed set of papers forming part of the case file).

8. The aforesaid representation dated 13.08.2019 shall be disposed of by the second respondent on its own merits and in accordance with law more particularly in accordance with Circular being letter

No.41530/U1/2017,



dated 31.07.2018 and 08.11.2018 as expeditiously as possible and in any event, within a period of eight 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 respondents 5 and 6 have to be put on notice and given a reasonable opportunity by the second respondent before taking a decision. The authority concerned shall not embark upon any exercise which is within the domain of civil Court jurisdiction.

10. Though obvious, it is made clear that writ 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, respondents 5, 6 and others concerned (if any) 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 (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

ps

To

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.120, Santhome High Road,
Chennai - 600 028.

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



2.The District Registrar,
Registration Department,
Madurai District.

3.The Sub-Registrar,
Sub-Registrar Office,
Checkanoorani,
Madurai District.

4.The Revenue Divisional Officer,
Thirumangalam,
Madurai District.

+1 CC to Mr.R.ARAVINDAN, Advocate (SR-96597[F] dated 07/11/2019)

+1 CC to M/s.SPL GP (SR-96645[F] dated 07/11/2019)

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