



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.11.2019**

CORAM:

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

W.P (MD)No.21897 of 2019

WEB COPY

Paul

... Petitioner

/vs./

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

2.The District Registrar,
District Registrar Office,
S.L.B.South Road,
Nagercoil,
Kanyakumari District.

3.M.A.Daniel Evance

4.V.Malarvannan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to cancel the forged document in respect of property in Survey No.113/9 situated at Vellachivilai, Villukuri Village, Kalkulam Taluk, Kanyakumari District taken on file No.925/Aa1/2019 dated 05/03/2019 on the basis of Circular Letter No.41530/U1/2017 dated 31/07/2018 issued by the 1st respondent in the light of the petitioner's representation dated 11/04/2019.

For Petitioner : Mr.A.Sankara Ramasubramanian
for Mr.S.R.A.Ramachandhran
For R-1 and R-2 : Mr.M.Murugan
Government Advocate

ORDER

Mr.A.Sankara Ramasubramanian, 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 and 2.

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.

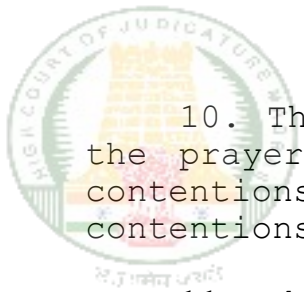
5. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 11.04.2019 wherein writ petitioner has made a complaint of fraudulent fabrication of documents and fraudulent registration.

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 11.04.2019, 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 11.04.2019 made by the writ petitioner (page Nos.16 and 17 and Page Nos.19 and 20 (clean copy) of the typed set of papers forming part of the case file).

8. The aforesaid representation dated 11.04.2019 shall be disposed of by the second respondent on its own merits and in accordance with Circular 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 (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.3 and 4 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 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 3 and 4 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.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

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To

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

2.The District Registrar,
District Registrar Office,
S.L.B.South Road,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.S.R.A.RAMACHANDHRAN, Advocate (SR-96747[F] dated
07/11/2019)

Order made in
W.P(MD)No.21897 of 2019
05.11.2019

==KK/SAR/26.11.2019/3P-4C/