



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.21947 of 2019

P.Mathesan

... Petitioner

vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai.

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

3.The Sub-Registrar,
Office of the Sub Registrar,
Tiruverumbur, Trichy District.

4.Vadivel

5.K.Ravichandran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to conduct an enquiry and take necessary action in accordance with law on the basis of the petitioner's representation dated 13.09.2019 within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu

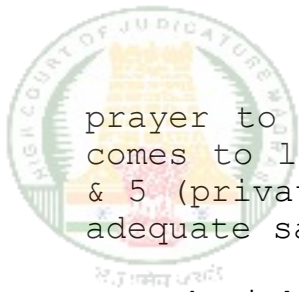
For RR 1 to 3 : Mr.V.Anand,
Government Advocate.

ORDER

Mr.B.Jameel Arasu, 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.

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.

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 13.09.2019 wherein writ petitioner has made a complaint for 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 first respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 13.09.2019 on its own merits and in accordance with law.

7. Learned State counsel submitted that the first respondent is the authority who shall consider the aforementioned representation dated 13.09.2019 made by the writ petitioner (page Nos.38 & 39 of the typed set of papers forming part of the case file).

8. It is made clear that in the course of the representation being considered by the first respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the first 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 first respondent before taking a decision.

9. 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.

10. The aforesaid representation dated 13.09.2019 shall be disposed of by the first 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 twelve weeks from the date of receipt of a copy of this order.

11.It is made clear that it is open to the first respondent to delegate this task to anyone of the jurisdictional Deputy Inspectors General subject to administrative convenience. If so, the concerned Deputy Inspector General to whom delegation is made by first respondent will remain bound by this order.

12.The proceeding / order of disposal shall be communicated by the office of the first respondent to the writ petitioner under due acknowledgement within seven working days from the date of completion of aforesaid exercise.

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

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)

ps

To

1.The Inspector General of Registration,
Santhome High Road,
Chennai.

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

3.The Sub-Registrar,
Office of the Sub Registrar,
Tiruverumbur, Trichy District.

+1 CC to M/s.B,JAMEEL ARASU, Advocate (SR-93014[F] dated 18/10/2019

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JMN(30.10.2019) 3P : 5C