



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.24044 of 2019

and

W.M.P(MD)No.20633 of 2019

WEB COPY

R.Rajendran

... 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,
Virudhunagar District.

3.The Sub-Registrar,
Sub-Registrar Office,
Thiruchuzhi,
Virudhunagar District.

4.Malaichamy

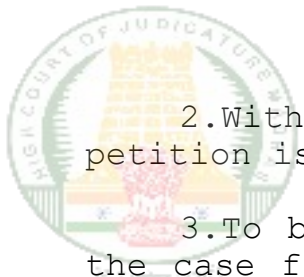
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 herein to take appropriate action to cancel the sale deed executed in favour of the fourth respondent vide Document No.1897/2015 pertaining to the property to an extent of 2 acre 27 cents comprised in Survey No.105/1B2 of Kalaiyar Karisalkulam, Aruppukkottai Taluk, Virudhunagar District in terms of Circular No.41530/U1/2017 dated 08.11.2017 issued by the first respondent based on the petitioner's representation dated 07.08.2019.

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

ORDER

Mr.R.Aravindan, learned counsel on record for writ petitioner and Mr.V.Anand, learned Government Advocate, who accepts notice on behalf of respondents 1 to 3 (official respondents) are before this Court.



2. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

3. To be noted, fourth respondent is a private respondent. From the case file placed before this Court as well as submissions made at the Bar, it comes to light that this Writ Petition can be disposed of by passing an order, which is not adverse to the rights of fourth respondent. Therefore, with consent of aforesaid counsel ie., counsel for writ petitioner and State Counsel, main writ petition is taken up, heard out and is being disposed of.

4. The epicentre of this entire Writ Petition is a 'sale deed dated 01.09.2015 registered as Document No.1897 of 2015 in the office of the jurisdictional Sub-Registrar (third respondent)' (hereinafter referred to as 'said document' for brevity).

5. Notwithstanding the expansive prayer in the Writ Petition, notwithstanding very many averments made in the writ affidavit, notwithstanding very many contentions canvassed / grounds urged in the writ affidavit, learned counsel for writ petitioner in the hearing abridged the scope of writ petition as well as prayer and submitted that it will suffice if the second respondent is directed to dispose of writ petitioner's representation dated 07.08.2019 (page No.47 of the typed set of papers forming part of the case file) wherein writ petitioner has made a complaint qua said document. To be noted, complaint is that said document has been fraudulently registered.

6. Learned counsel for writ petitioner draws the attention of this Court to a Circular issued by the first respondent being 'Circular letter No.41530/U1/2017, dated 08.11.2017 and 31.07.2018' (hereinafter referred to as 'said Circular' for brevity) and submitted that representation dated 07.08.2019 may please be disposed of on its own merits more particularly in accordance with said Circular.

7. Learned State Counsel submitted that said Circular is now operating and authority who will enquire into the matter is the second respondent.

8. What is of importance is, second respondent shall put fourth respondent on notice, give reasonable opportunity to fourth respondent besides giving reasonable opportunity to writ petitioner and then pass orders on representation dated 07.08.2019 on its own merits and in accordance with law more particularly in accordance with said Circular 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. The outcome of the enquiry / order in the enquiry shall be served on the second respondent to writ petitioner, fourth



respondent and other persons concerned if any under due acknowledgement within seven (7) working days from the date of completion of aforesaid exercise.

10. Instant Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// 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.

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

3.The Sub-Registrar,
Sub-Registrar Office,
Thiruchuzhi,
Virudhunagar District.

+1 CC to Spl.GP (SR-98824[F] dated 15/11/2019)

+1 CC to Mr.R.ARAVINDAN, Advocate (SR-98979[F] dated 18/11/2019)

W.P (MD) No.24044 of 2019

14.11.2019

MK (02.12.2019) 3P 6C