



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.11.2019**

CORAM:

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

W.P(MD)No.23395 of 2019

WEB COPY

V.Gurusamy

... Petitioner

Vs.

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

2.The District Registrar,
Thenkarai,
Periyakulam Taluk,
Theni District.

3.The Sub-Registrar,
O/o the Sub-Registrar,
Andipatti, Theni District.

4.S.Sivapandiyan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to take appropriate action under Section 82 and 83 of the Registration Act and as per the Circulate Letter No.41530/U1/2017, dated 08.11.2017 for the unilateral illegal forged deed entered bearing document No.1820/1985 dated 02.07.1985 on the file of the third respondent thereby considering the petitioner's representation dated 16.09.2019.

For Petitioner : Mr.U.Antony Santhosh

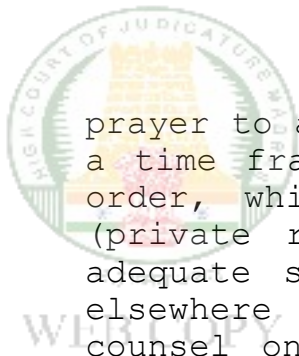
For Respondents : Mr.V.Anand
Government Advocate
for R.1 to R.3

ORDER

Mr.U.Antony Santhosh, 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 (official respondents).

3.To be noted, the fourth respondent is a private respondent.
In the hearing, learned counsel for writ petitioner restricts his



prayer to a plea of direction for disposal of representation within a time frame. From the abridged prayer it comes to light that an order, which is not adverse to the rights of fourth respondent (private respondent) can be passed, after making sufficient and adequate safeguards in this regard which shall be set out *infra* elsewhere in this order. Therefore, with the 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.

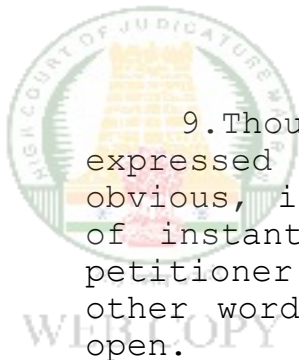
4.The main writ petition now turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 16.09.2019 wherein writ petitioner has made a complaint that the fabricated document has been fraudulently registered.

5. Notwithstanding several averments/ grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of instant writ petition / prayer in instant 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 16.09.2019, details of which have been alluded to *supra*.

6.Learned State Counsel submitted that the second respondent is the authority who is competent to consider the aforementioned representation dated 16.09.2019 made by the writ petitioner (page No.36 of the typed set of papers forming part of the case file).

7.The aforesaid representation dated 16.09.2019 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.

8. 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 third party entity / entities, before disposing of the aforementioned writ petitioner's representation. It is also made clear with specificity that fourth respondent has to be put on notice and given a reasonable opportunity by the second respondent before taking a decision. To be noted, this is the safeguard qua rights of fourth respondent alluded to *supra*. The authority concerned shall not embark upon any exercise which is within the domain of civil Court jurisdiction.



9. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter. Though obvious, it is also made clear that petitioner abridging the scope of instant writ petition and 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 proceedings / order of disposal of aforementioned representation shall be communicated by the office of the second respondent to the writ petitioner, fourth respondent and others concerned (if any) under due acknowledgement within seven (7) working days from the date of proceedings / order ie., seven working days from date of disposal.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

SSL

To

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

2. The District Registrar,
Thenkarai,
Periyakulam Taluk,
Theni District.

3. The Sub-Registrar,
O/o the Sub-Registrar,
Andipatti, Theni District.

+1 CC to SPL GP (SR-96659[F] dated 07/11/2019)

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VB(19.11.2019) 3P 5C