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W.P(MD)No.24120 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.24120 of 2019

and

W.M.P. (MD)No.20712 of 2019

S.Revathi

... Petitioner

/vs./

1.The Inspector General of Registration,
No.100, Santhome High Road, Chennai.

2.The District Registrar (Administration),
Karur District, Collectorate Campus, Karur.

3.The Sub-Registrar Joint No.2,
Old Collectorate Campus, Karur.

4.Block Development Officer (Village Panchayats),
Karur Panchayat Union, Karur.

5.The Assistant Director,
Town Planning Department Regional Office,
Kajamalai Main Road,
Kajamalai, Tiruchirappalli.

6.B.Lakshmi

... 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 conduct enquiry on the petitioner's representation dated 19-09-2019 and 03-10-2019 pertaining to fraudulent registration of Gift Deed in Document No.1468/2019 on the file of 3rd Respondent and pass orders as per the guidelines issued by the first respondent.

For Petitioner : Mr.R.Narayanan

For R-1 to R-3 : Mr.V.Anand

Government Advocate

R-4 & R-5 : Mr.K.Mu.Muthu

Additional Government Pleader

ORDER

Mr.R.Narayanan, 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 and Mr.K.Mu.Muthu, learned Additional

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



Government Pleader accepts notice on behalf of respondents 4 and 5.

3. To be noted, sixth respondent is a private respondent. 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 sixth respondent (private respondent) 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, learned Government Advocate and learned Additional Government Pleader, who accepts notice on behalf of respondents 1 to 3 and respondents 4 and 5 (official respondents) respectively, main writ petition is taken up, heard out and is being disposed of.

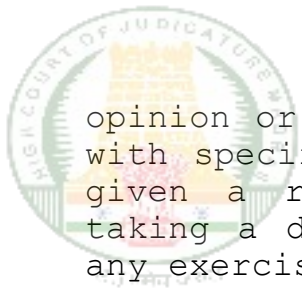
5. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 03.10.2019 wherein writ petitioner complained of a fraudulent registration of a gift deed dated 02.08.2019 being Document No.1468/2019 on the file of the 3rd respondent.

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 03.10.2019, 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 03.10.2019 made by the writ petitioner (page Nos.47 to 51 of the typed set of papers forming part of the case file).

8. The aforesaid representation dated 03.10.2019 shall be disposed of by the second respondent on its own merits and in accordance with Circular Letter No.41530/U1/2017 dated 08.11.2017 and 31.07.2018 and 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



opinion or view on the merits of the matter. It is also made clear with specificity that sixth respondent has 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.

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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, sixth respondent 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-II)

// True Copy //

Sub Assistant Registrar(CS)

TO

- 1.The Inspector General of Registration,
No.100, Santhome High Road,Chennai.
 - 2.The District Registrar (Administration),
Karur District,Collectorate Campus, Karur.
 - 3.The Sub-Registrar Joint No.2,
Old Collectorate Campus, Karur.
 - 4.Block Development Officer (Village Panchayats),
Karur Panchayat Union, Karur.
 - 5.The Assistant Director,
Town Planning Department Regional Office,
Kajamalai Main Road,
Kajamalai, Tiruchirappalli.
- +1cc to Special Government Pleader, Sr.No. 99012/19
Sm /sma/29/11/19/3p/7c

Order made in
W.P(MD)No.24120 of 2019
Dated:15.11.2019