



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.11.2019**

CORAM:

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

W.P(MD)No.23971 of 2019

and

W.M.P(MD)No.20587 of 2019

Geetharaja

... Petitioner

/Vs./

- 1.The Inspector General of Registration,
Santhome High Road,
Santhome, Mylapore,
Chennai - 600 028.
- 2.The District Registrar (Administration),
Periyakulam,
Theni District.
3. Jeyaprakash,
The Sub-Registrar,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 1st and 2nd respondents to dispose writ petitioner's representation dated 16.10.2019 under section 83 of Registration Act, 1908 with the time frame as may be stipulated by this Court and direct them to annulled the pending document No.104, 105 and 106 of 2019 kept in the Sub-Registrar office of Theni.

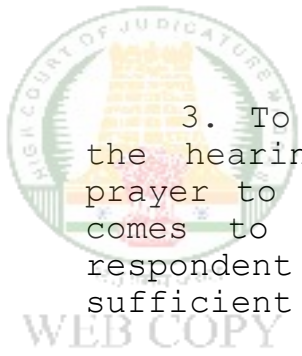
For Petitioner : Mr.P.V.Gurudevaraj

For R-1 & R-2 : Mr.M.Murugan
Government Advocate

ORDER

Mr.P.V.Gurudevaraj, learned counsel on record for writ petitioner is before this Court.

2. Mr.M.Murugan, learned Additional Government Pleader, accepts notice on behalf of respondents 1 and 2.



3. To be noted, third 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 third 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 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 16.10.2019 wherein writ petitioner has sought action to be taken qua third respondent under Section 83 of the Registration Act, 1908.

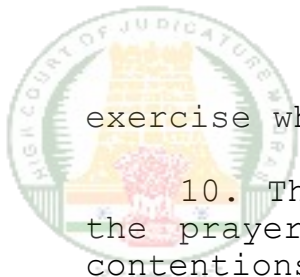
6. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner (as mentioned supra) abridges the scope of the writ petition and submits that it will suffice if the second respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 16.10.2019, 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 16.10.2019 made by the writ petitioner (page Nos.38 and 39 of the typed set of papers forming part of the case file).

8. The aforesaid representation dated 16.10.2019 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.

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 third respondent has to be put on notice and given a reasonable opportunity by the second respondent before

<https://hdservicescourts.gov.in/cases/cases.html>



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, third 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 (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

sm

To

1.The Inspector General of Registration,
Santhome High Road, Santhome, Mylapore,
Chennai - 600 028.

2.The District Registrar (Administration),
Periyakulam, Theni District.

+1 CC to M/s.P.V. GURUDEVARAJ, Advocate (SR-100134[F] dated
21/11/2019)

+1 CC to M/s.SPL GP (SR-101113[F] dated 25/11/2019)

Order made in
W.P(MD)No.23971 of 2019
Dated: 21.11.2019

JMN(10.12.2019) 3P : 5C