

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.7138 of 2020

Sunanda

... Petitioner

vs.

1. The Sub Registrar,
Sub Registrar Office,
Rayakottai - 635 116,
Krishnagiri District.
2. The District Registrar,
District Registrar Office,
Krishnagiri - 635 001.
3. The Deputy Inspector General of Registration,
No.312, 3rd Floor, District Collector Office,
Salem - 636 001.
4. The Inspector General of Registration,
Head Quarters of Registration,
120, Santhome High Road,
Chennai - 600 028.
5. S. Chandrasekar ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to dispose of the petitioner's representation dated 01.02.2020 pending before the 2nd respondent within reasonable time.

For Petitioner :Mr. S. Chandrasekar

For Respondent :Mr.M. Tamilzharasan
Additional Govt. Pleader[R1 to R4]

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the 2nd respondent to act upon the representation made by the petitioner on 01.02.2020.

2. The case of the petitioner is that he has purchased the subject property by virtue of a registered sale deed dated 12.05.2008. Thereafter, they had also applied for sub-division

of the property and the same was subdivided and separate patta was also granted in her favour in patta No.1394. According to the petitioner, he is doing cultivation in the said property.

3. The grievance of the petitioner is that the very same property, which was sold to the petitioner, was again sold by creating fake documents in the year 2019 and the property was sold to the 5th respondent. The petitioner has therefore given a complaint before the 2nd respondent to take action in accordance with law. According to the petitioner, the 2nd respondent will have to initiate action under Section 83 of the Registration Act, 1908. Since the representation has not been acted upon, the present writ petition has been filed before this Court seeking appropriate direction.

4. Heard Mr.S.Chandrasekar, learned counsel for the petitioner and Mr.M. Tamizharasan, learned Additional Government Pleader for the respondents 1 to 4.

5. The learned Additional Government Pleader appearing on behalf of the official respondents submitted that the 2nd respondent can only initiate action under Section 82 of the Registration Act, 1908 and insofar as cancellation of the document is concerned, the petitioner has to independently work out her right before the competent Civil Court.

6. In reply to the said submissions, the learned counsel for the petitioner submitted that the petitioner will work out the remedy before the competent Civil Court insofar as the cancellation of the sale deed is concerned.

7. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 2nd respondent to consider the complaint/representation made by the petitioner on 01.02.2020 and deal with the same strictly in accordance with law after issuing notice to the 5th respondent and afford him opportunity and pass final orders within a period of eight (8) weeks from the date of receipt of a copy of this order. The petitioner is directed to make fresh representation to the 2nd respondent along with a copy of the earlier representation dated 01.02.2020 and a copy of this order.

This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

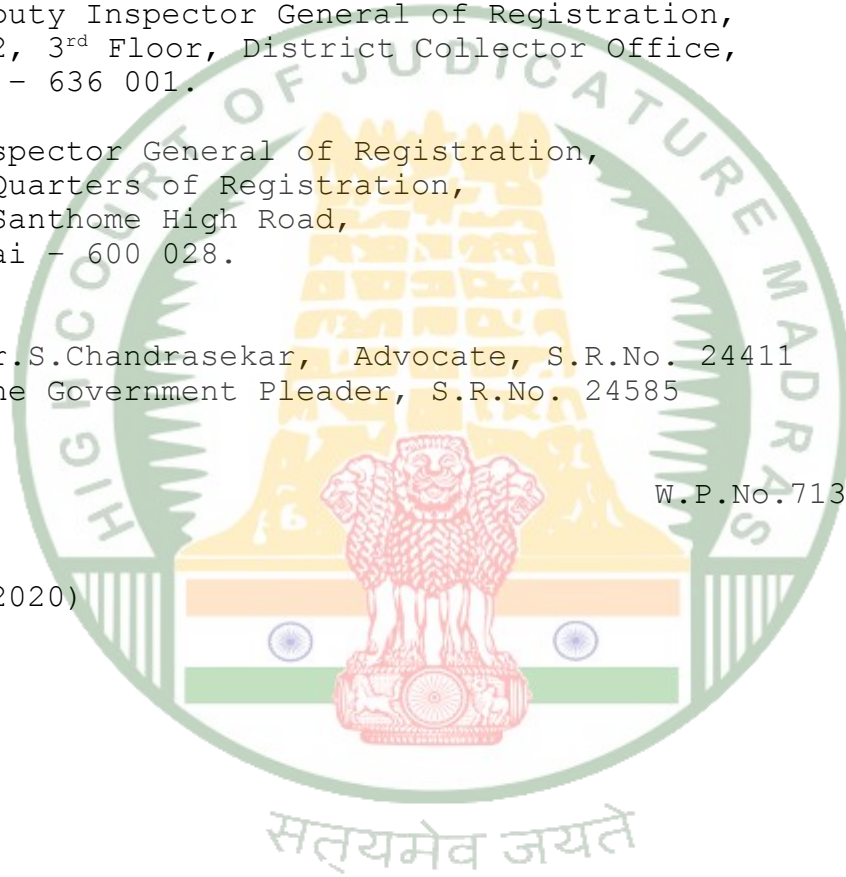
To

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+1cc to Mr.S.Chandrasekar, Advocate, S.R.No. 24411
+1cc to the Government Pleader, S.R.No. 24585

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LN(CO)
GN(23/09/2020)



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