

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.7873 of 2020

P.Vadivelu

Petitioner

vs.

1. The Inspector General of Registration,
Office of the Inspector of Registration,
No.100, Santhome High Road, Chennai - 600028.
2. The District Registrar South (Administration)
Office of the District Registrar,
No.9, Jones Street,
Saidapet, Chennai - 600 015.
3. The District Registrar Central (Administration)
Office of the District Registrar (Central),
Central Madras, Chennai - 600 014.

4. P.Sekar

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent No.2 to return and hand over the file of the petitioner complaining serious allegations of fraud as enquired by respondent No.2 bearing file No.339/B1/2012 forthwith as per the representation of the petitioner dated 27.06.2019.

For Petitioner : Mr.S.Sentilnathan

For Respondents: Mr.T.M.Pappiah

Special Government Pleader
for R1 to R3

O R D E R

This writ petition has been filed for issuance of a writ of mandamus directing the 2nd respondent to conduct the enquiry on the complaint given by the petitioner alleging serious fraud

committed in the execution of certain documents.

2.The case of the petitioner is that he is aged about 72 years and he is the owner of the subject property. According to the petitioner, a fraud was committed and document was executed in the year 1981. This came to be known to the petitioner in the year 2012 and a complaint was given to the 1st respondent in this regard on 06.01.2012 to take action as per Circular No.67 and to cancel the document. The further case of the petitioner is that, he was called for an enquiry and the proceedings were pending. In the mean time, Circular No.67 was withdrawn and thereby, the power to cancel the document was taken away. The entire proceedings came to a standstill. According to the petitioner, even if the document cannot be cancelled, action can be initiated under Section 83 of the Registration Act. Since this was not done, a representation was made on 27.06.2019. Since the same did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate direction.

3.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

4.This Court has carefully considered the submissions made on either side and also the materials available on record.

5.It was rightly contended by the learned counsel for the petitioner that, even though the document cannot be cancelled by the authorities, action can always be taken under Section 83 of the Registration Act and this power had not been taken away. Therefore, the 2nd respondent ought to have proceeded further with the enquiry and taken a decision in accordance with law.

6.Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the respondents 1 to 3 submitted that the 2nd respondent will independently consider the complaint made by the petitioner and deal with the same under the Registration Act.

7.In view of the above submissions, this writ petition is disposed of with a direction to the 2nd respondent to proceed further with the complaint given by the petitioner based on his representation dated 27.06.2019 after issuing notice to the necessary parties and he shall deal with the complaint strictly in accordance with law and necessary order shall be passed, within a period of three months from the date of receipt of copy

of this order. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

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VBA (CO)
GS (24/07/2020)

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