

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.09.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP.No.11517/2020

Aravind Srinivasan

..Petitioner

Versus

1. The Inspector General of Registration
No.100, Santhome High Road,
Mullima Nagar, Mandavelipakkam
Raja Annamalai Puram, Chennai 600 028.
2. The District Registrar,
No.268, Bharathi Salai
Express Estate, Royapettah,
Chennai 600 014.
3. The Sub Registrar
Mylapore Sub Office
Chennai 600 049. Registrar
4. M/s.Adroit Urban Developers Pvt Ltd
rep.by its Authorised Signatory,
Mr.Gaurav Goenka,
No.1, Bheemanna Garden Street
Alwarpet, Chennai 600 018.
5. Siddhartha Apparels Pvt Ltd
rep.by its Director,
Registered Office at Flat 3B
5, Hastings Park Road,
Kolkatta 700 027.

..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 complete the enquiry on the petition filed by the petitioner dated 29.07.2019 and pass orders within the time frame that may be fixed by this Court.

For Petitioner : Mr.A.Rajkumar for
M/s.Eswar Kumar and Rao

For RR 1 to 3 : Mr.T.M.Pappiah
Special Government Pleader

ORDER

- (1) This writ petition has been filed for the issue of a writ of mandamus, directing the 2nd respondent to consider the representation submitted by the petitioner dated 29.07.2019 within the time frame fixed by this Court.
- (2) The case of the petitioner is that he is the absolute owner of the subject property and he wanted to develop this property. The petitioner, thereafter approached the 4th respondent / Developer and he entered into an Agreement, whereby the petitioner also executed a Power of Attorney in favour of the 4th respondent and the approved plan was also sanctioned and thereafter, the flats were constructed. The grievance of the petitioner is that the 4th respondent has misused the Power of Attorney and has transferred two flats in favour of the 5th respondent and these transactions are not getting revealed in the Encumbrance Certificate also. According to the petitioner, the 4th respondent was permitted to sell only 25% of the undivided share as per the Joint Venture Agreement and the Power of Attorney and whereas, fraudulent Sale Deed has been executed beyond the power granted to the 5th respondent. The petitioner, therefore, gave a complaint to the respondents on 29.07.2019 for taking action against respondents 4 and 5 under Sections 82 and 83 of the Registration Act. Since the same was not considered, the present writ petition has been filed before this Court.
- (3) Heard the learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader accepting notice on behalf of respondents 1 to 3.
- (4) Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the 3rd respondent to consider the complaint filed by the petitioner on 29.07.2019 and proceed further with the enquiry strictly in accordance with law. The 3rd respondent shall issue notice to respondents 4 and 5 before conducting any enquiry and pass final orders. The entire process shall be completed within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the 3rd respondent along with a copy of the complaint dated 29.07.2019 and all other relevant documents and also a copy of this order.

(5) This writ petition is disposed of with the above direction.
No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To

1. The Inspector General of Registration
No.100, Santhome High Road,
Mullima Nagar, Mandavelipakkam
Raja Annamalai Puram, Chennai 600 028.

2. The District Registrar,
No.268, Bharathi Salai
Express Estate, Royapettah,
Chennai 600 014.

3. The Sub Registrar
Mylapore Sub Office
Chennai 600 049. Registrar

4. The Director,
Siddhartha Apparels Pvt Ltd
Registered Office at Flat 3B
5, Hastings Park Road,
Kolkatta 700 027.

+1 CC to The Govt. Pleader sr 29254.

सत्यमेव जयते

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AJS (CO)
SP(07/10/2020)

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