

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.13768 of 2020

and

W.M.P.Nos.17111 & 17112 of 2020

1.S.Narasimulu
2.S.Seshachalam

... Petitioners

Vs.

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

2.The District Registrar
Chennai North,
Chennai-600 001.

3.The Sub-Registrar
Sowcarpet,
Chennai.

4.The Assistant Commissioner of Police
Poonamalle High Road
Vepery, Chennai.

5.The Inspector of Police
Elephant Gate Police Station,
Elephant Gate,
Chennai-600 079.

6.Ashok Chand Jain

7.R.Rajendaran,
Sub-Registrar,
Sowcarpet,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the entire records of the proceedings No.12704/A5/2017 dated 07.11.2019 of the second respondent and

quash the same and consequently direct the respondents to consider the representation of the petitioners dated 16.12.2017 and 20.12.2017 in its proper perspective and cancel the Registration of the Documents of Ashok Chand Jain on 27.12.2004 and alleged mortgage deed dated 10.01.2005 in document No.25/2005 in favour of Chandimal Jain, Anitha Ranka & 45 others on the file of the Sub-Registrar, Sowcarpet with regard to property in S.F.No.8117, Door No.54, General Muthiah Mudhali Street, Sowcarpet, Chennai - 600 079 and further direct the fourth and fifth respondents to register an FIR on the complaint dated 22.12.2017 as against the sixth respondent and the second respondent to initiate action in accordance with the Tamil Nadu Registration Act and the rules framed thereunder in accordance with law.

For Petitioners: Mrs.P.Bhagyalakshmi

For R1 to R3 : Mr.T.M.Pappaiah
Special Government Pleader

For R4 and R5 : Mr.S.N.Parthasarathi
Government Advocate

O R D E R

This writ petition has been filed challenging the impugned order passed by the 2nd respondent through proceedings dated 07.11.2019 and for a consequential direction to the respondents to take appropriate action against the 6th respondent under Registration Act.

2.Heard Mrs.P.Bhagyalakshmi, learned counsel for the petitioners and Mr.T.M.Pappaiah, learned Special Government Pleader, appearing on behalf of the respondents 1 to 3 and Mr.S.N.Parthasarathi, learned Government Advocate, appearing on behalf of the respondents 4 and 5.

3.It is seen from records that the petitioners have also filed an appeal before the 1st respondent on 20.02.2020 and the same is pending. The impugned order passed by the 2nd respondent dated 07.11.2019 itself provided for such appellate remedy and the petitioners have availed the said remedy. Therefore, this Court cannot parallelly entertain this writ petition.

4.In view of the above, without going into merits of the case, there shall be a direction to the 1st respondent to dispose of the appeal filed by the petitioner on 20.02.2020, strictly in accordance with law, after affording opportunity to the petitioners and the 6th respondent, within a period of eight

weeks from the date of receipt of a copy of this order. The petitioners are directed to make a fresh representation to the 1st respondent along with a copy of all the relevant documents and a copy of this order. Till final orders are passed by the 1st respondent, status quo shall be maintained.

This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mkn

To

- 1.The Inspector General of Registration,
Santhome High Road,
Chennai-600 028.
- 2.The District Registrar,
Chennai North,
Chennai-600 001.
- 3.The Sub-Registrar,
Sowcarpet,
Chennai.
- 4.The Assistant Commissioner of Police,
Poonamalle High Road,
Vepery, Chennai.
- 5.The Inspector of Police,
Elephant Gate Police Station,
Elephant Gate,
Chennai-600 079.

+1cc to the Government Pleader Sr.32433

W.P.No.13768 of 2020

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