

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.17534 of 2020

R.Kothandaraman,
S/o.Rathinam,
Plot No.5, Second Floor,
No.5, Akbarabad 1st Street,
Kodambakkam, Chennai 600 024.

... Petitioner

Vs.

1.District Registrar,
Office of District Registrar,
Chengalpet.

2.Sub Registrar,
Maduranthakam.

3.Ramadoss

4.Kasturi
W/o.RAmadoss

5.Suresh
S/o.Ramadoss

Respondents 3 to 5 residing at
Plot No.2173, 6th Cross Street,
12th Main Raod,
Anna Nagar West,
Chennai 600 040.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to conduct the enquiry in proceeding Na.Ka.No.3952/A3/2018 dated 30.11.2018 within time frame to fixed by this Court.

For Petitioner : Mr.V.V.Sairam

For Respondents: Mr.T.M.Pappiah (for R1 & R2)
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus, directing the first respondent to conduct an enquiry based on the complaint given by the petitioner on 20.09.2018 against respondents 3 to 5 and take action in accordance with law.

2.The case of the petitioner is that respondents 3 to 5 purchased the subject property and this property was mortgaged in favour of the petitioner. The further case of the petitioner is that the original documents pertaining to the subject property was also handed over to the petitioner. However, the petitioner came to know that respondents 3 to 5 have managed to get a fabricated non traceable certificate as if the original documents have been lost. Subsequent to getting such a certificate, they have also managed to get a settlement deed executed, which was registered on the file of the second respondent. The petitioner on coming to know of the same has given a complaint to the first respondent to take action against respondents 3 to 5 in accordance with Sections 82 and 83 of the Registration Act. Since the same was not considered and there was no action on the part of the first respondent, the present Writ Petition has been filed before this Court seeking for appropriate directions.

3.Heard Mr.V.V.Sairam, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader for respondents 1 and 2.

4.It is seen from the records that after the complaint was given by the petitioner to the first respondent, the first respondent had in fact called the parties for enquiry even in the year 2018. However, thereafter it looks like there was no progress in the enquiry.

5.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 first respondent to continue the enquiry that has already been initiated by proceedings dated 30.11.2018 after affording opportunity to the petitioner and respondents 3 to 5 and the first respondent shall thereafter pass orders strictly in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6.The petitioner is directed to make a fresh representation to the first respondent along with all the relevant documents and a copy of this order.

7.This Writ Petition is disposed of with the above directions. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sai/pgp

To

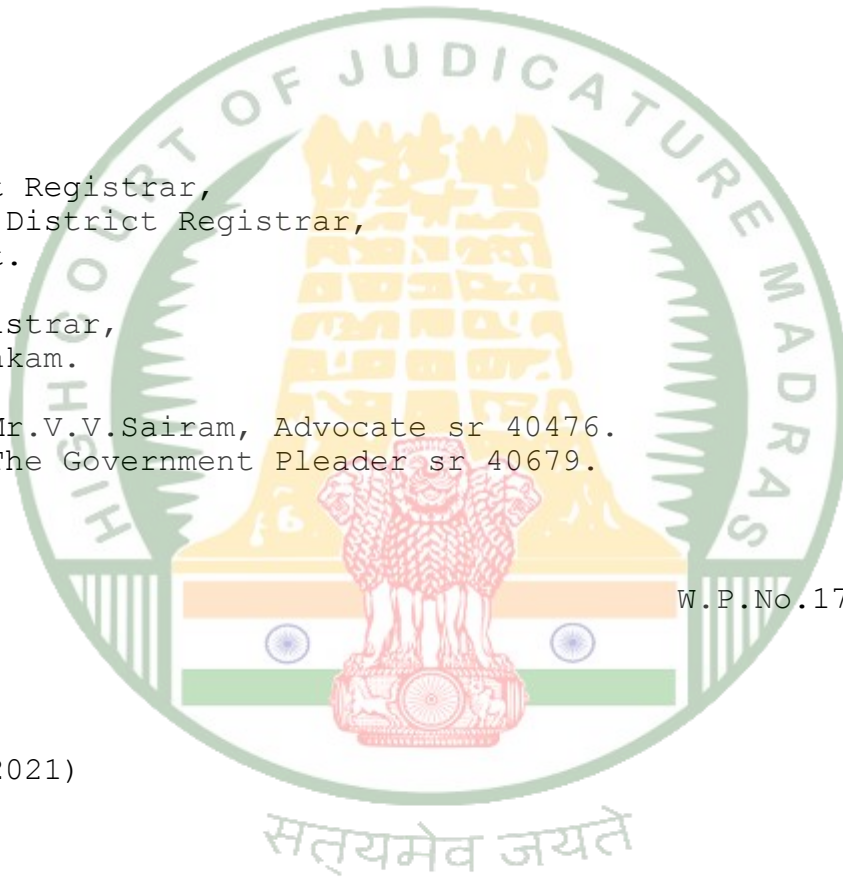
1.District Registrar,
Office of District Registrar,
Chengalpet.

2.Sub Registrar,
Maduranthakam.

+1 CC to Mr.V.V.Sairam, Advocate sr 40476.
+1 CC to The Government Pleader sr 40679.

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PM(CO)
SP(07/01/2021)



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