

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.22965 of 2017

Jayaraj Fernando

... Petitioner

Vs.

1.The Inspector General of Registration,
Chennai - 28.

2.The District Registrar of Registrations,
Chengalpattu.

3.The Registrar,
Thiruporur,
Chennai - 603 108.

4.K.Pitchaimuthu

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents 1 to 3 to consider the representations dated 27.10.2014 and 19.05.2016 and pass orders in a time bound manner.

For Petitioner : Mr.I.Abrar Md Abdullah

For Respondents : Mr.P.P.Purushothaman,
Government Advocate (R1 to R3)

ORDER

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representations dated 27.10.2014 and 19.05.2016 within a time frame.

2.Mr.I.Abrar Md Abdullah, learned counsel appearing for the petitioner submitted that the petitioner has given two representations dated 27.10.2014 and 19.05.2016 seeking for cancellation of the registered documents. The learned counsel for the petitioner fairly submitted that after the withdrawal of the Circular No.67 dated 03.11.2011 in the year 2017, the remedy open to the petitioner is to file a Civil Suit seeking for cancellation of the documents. However, the learned counsel for

the petitioner submitted that the 2nd respondent may be directed to conduct an enquiry and initiate action under Section 83 of the Tamil Nadu Registration Act.

3.On a reading of the petitioner's representations dated 27.10.2014 and 19.05.2016, I could not find any prayer made by the petitioner seeking for an enquiry under Section 83 of the Act.

4.In these circumstances, the learned counsel for the petitioner submitted that liberty may be given to the petitioner to give a fresh representation under Section 83 of the Act seeking for enquiry and suitable action against the 4th respondent and that the petitioner would give his representation within four weeks time.

5.Mr.P.P.Purushothaman, learned Government Advocate appearing for the respondents 1 to 3 submitted that in the event of the petitioner giving a fresh representation to the 2nd respondent, the same would be considered on merits and in accordance with law.

6.Having regard to the submissions made by the learned counsel on either side, the petitioner is at liberty to give a fresh representation to the 2nd respondent under Section 83 of the Tamil Nadu Registration Act, within a period of four weeks from the date of receipt of a copy of this order and on receipt of the same, the 2nd respondent shall consider the same and pass orders, on merits and in accordance with law, after giving notice to all the interested parties, within a period of eight weeks thereafter.

7.With these observations, the Writ Petition is disposed of. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

va

To

1.The Inspector General of Registration,
Chennai - 28.

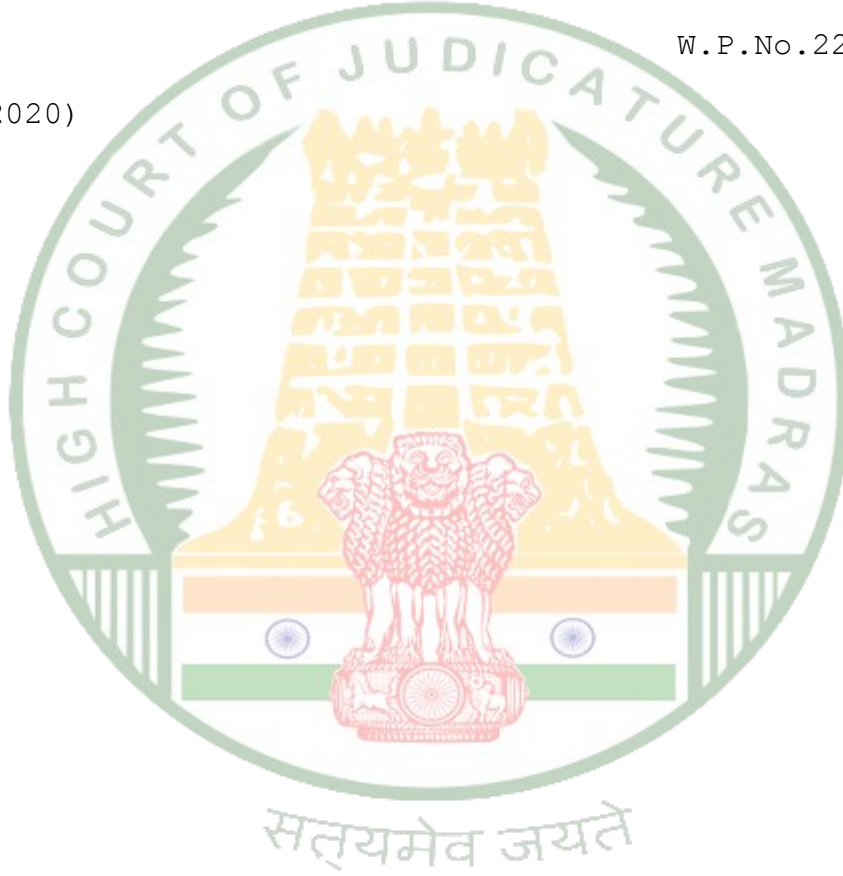
2.The District Registrar of Registrations,
Chengalpattu.

3.The Registrar,
Thiruporur, Chennai - 603 108.

+1 cc to Government Pleader, Sr.No.40934

W.P.No.22965 of 2017

SPD(CO)
NS(28/12/2020)



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