



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.09.2020
CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.10376 of 2020

S.S.Rajkumar

...Petitioner

Vs

- 1.The Inspector General,
Registration Department, Chennai.
- 2.The District Registrar (South Zone),
District Registration Office,
Madurai South Zone, Madurai District.
- 3.The Sub Registrar,
Thirupparankundram Sub Registrar Office,
Madurai District.
- 4.R.Meenakshi
- 5.J.Balamurugan
- 6.J.Velmurugan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 herein to consider the representation dated 10.08.2020, enquire, re-inspect and evaluate the property value herein within the time stipulated by this Court.

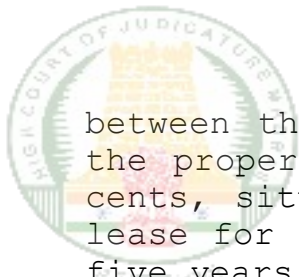
For Petitioner : Mr.A.Joseph Jerry

For R1 to R3 : Mr.K.Sathiya Singh
Additional Government Pleader

ORDER

This Writ Petition is filed by the petitioner for a Mandamus, to direct the respondents 1 and 2 to enquire, re-inspect and evaluate the property value based on his representation dated 10.08.2020.

2.The learned counsel appearing for the petitioner would submit that as per the registered agreement dated 28.08.2017, entered



between the petitioner and the 4th respondent, who is the owner of the property in S.Nos.1/15A, 1/14A, measuring to an extent of 11.3 cents, situated at Nagamalaiputhkottai, the petitioner has obtained lease for running a Restaurant in the said property for a period of five years.

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3.As per the said agreement, the petitioner has paid a sum of Rs.1,00,000/- towards advance and he has been paying the rent to the tune of Rs.25,000/- p.m. for a period of three years. Further, as per the said agreement, after a period of three years, the rental amount would be increased by 5% per year.

4.The learned counsel would further submit that though the agreement is valid till 31.07.2022, by suppressing the value of the said property, the 4th respondent had sold the said property to the respondents 5 and 6 on 04.09.2019. In this regard, the 4th respondent had executed a sale deed in D.No.3294/2019 and the same was registered before the 3rd respondent office. Therefore, the petitioner made a representation dated 10.08.2020 to the respondents 1 to 3 to reinspect the disputed property and to evaluate the same. So far, no action has been taken. Hence, the present writ petition.

5.Heard the learned Additional Government Pleader appearing for the respondents 1 to 3.

6.Admittedly, the petitioner is only a tenant and as per the lease agreement entered between him and the 4th respondent, he has been running a Restaurant in the aforesaid property. Therefore, being the lease holder, the petitioner has no legal right to seek to enquire, reinspect and evaluate the value of the said property. If there was any suppression made by the 4th respondent while registering the sale deed executed by her before the Registration Department, the petitioner can bring to the notice of the same before the authorities concerned and it is for the authorities concerned to proceed with the same in accordance with law. At this juncture, the relief sought for by the petitioner is not a *bona fide* one and the same is liable to be rejected.

7.With the above observation, this writ petition stands dismissed. No costs.

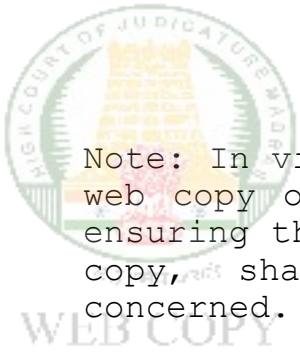
Sd/-

Assistant Registrar (AS)

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/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector General,
Registration Department,
Chennai.
- 2.The District Registrar (South Zone),
District Registration Office,
Madurai South Zone,
Madurai District.
- 3.The Sub Registrar,
Thirupparankundram Sub Registrar Office,
Madurai District.

+1 CC to M/s.Special Govt.Pleader (SR-16855[F] dated 15/09/2020)

W.P. (MD) No.10376 of 2020

11.09.2020

mm

SDS (29.09.2020) 3P-5C