

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.2037 of 2021

M/s.Wooltop Designs Pvt. Ltd.,
Rep. by its Director,
H.E.Abdul Azeez.Petitioner

-Vs-

- 1.The Deputy Inspector General of Registration,
No.27/14, Veterinary Hospital Road,
Pernpet, Nandanam,
Chennai - 600 035.
- 2.The District Registrar (Administration),
Chennai Central,
No.182, Bharathi Salai,
Roaypettah,
Chennai - 600 014.
- 3.The Sub-Registrar,
Villivakkam Sub-Registraton Office,
Villivakkam,
Chennai.
- 4.M/s.Tamil Nadu Mercantile Bank Ltd.,
Rep. by its Assistant General Manager/
Branch Manager, 738, Mount Road,
Chennai - 600 002.Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent herein to consider the Appeal filed by the Petitioner herein on 25.09.2020 against the order of the 2nd respondent dt.15.09.2020 in order No.5249A2/2020 dt.15.09.2020 to declare Agreements for Sale dt.10.02.2000 registered on 15.02.2000 as Doct.Nos.340 to 351/2000 and dt.26.12.2000 registered on 29.12.2000 as Doct.Nos.3337/2000 to 3348/2000 all in the office of Sub-Registrar, Villivakkam as fraudulent registrations by conducting an enquiry under Sec.68(2) of the Registration Act, 1908 and to record the same as on the same principles as those contained in the instructions issued by the IG of Registration, Chennai in Circular Lr.No.41530/U1/2017 dt.08.11.2017 and Lr.No.41530/U1/2017 dt.31.07.2018.

For Petitioner : Mr.V.P.Sengottuvel
For R1 to R3 : Mr.T.M.Pappiah
Special Government Pleader

ORDER

The petitioner has approached the second respondent with a complaint to initiate action against certain third party for dealing with his property which he has purchased in an auction under SARFAESI Act, 2002. That was dismissed by the second respondent on the ground that certain circular of the first respondent issued sometime in 2017 was not in vogue then. Challenging the same, he has approached the first respondent with his appeal dated 25.09.2020. His representation is essentially to apply the contents of the guidelines issued by the first respondent Vide the circular dated 08.11.2017 for the present case as well.

2.Mr.T.M.Pappiah, learned Special Government Pleader entered appearance on behalf of the respondents 1 to 3.

3.Section 82 of the Registration Act, 1908 provides for prosecuting a fraudulent registration. In view of the same, more than abiding by the circular issued by the first respondent, it is important that the Authority abide by the statutory provisions which no guideline can ignore.

4.This Court therefore, requires the first respondent to issue notice to all the parties who are likely to be affected by his decision, provide them a fair and effective hearing and to dispose of the appeal filed by the petitioner on 25.09.2020 through a speaking order within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5.The Writ Petition is disposed of accordingly. No costs.

6.Post the matter for reporting compliance on 04.06.2021.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Deputy Inspector General of Registration,
No.27/14, Veterinary Hospital Road,
Pernpet, Nandanam,
Chennai - 600 035.

2.The District Registrar (Administration),
Chennai Central,
No.182, Bharathi Salai,
Roaypettah,
Chennai - 600 014.

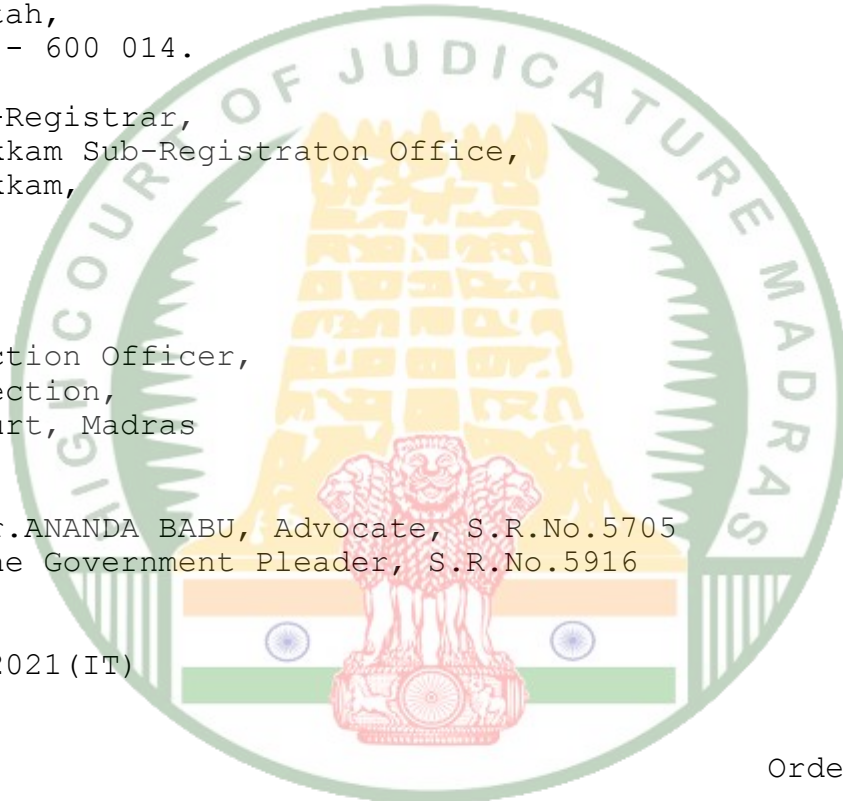
3.The Sub-Registrar,
Villivakkam Sub-Registraton Office,
Villivakkam,
Chennai.

Copy to

4. The Section Officer,
Writ Section,
HighCourt, Madras

+1cc to Mr.ANANDA BABU, Advocate, S.R.No.5705
+1cc to the Government Pleader, S.R.No.5916

MG(CO)
SM/18/02/2021(IT)



Order made in

सत्यमेव जयते

W.P.No.2037 of 2021

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