



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No. 8892 of 2019

and

WMP.No.9441 of 2019

A.Satheesh

...Petitioner

Vs.

1. The Inspector General of Registration,
Office of the Inspector General of
Registration, Santhome High Road,
Mylapore, Chennai - 600 004.
2. The District Registrar (Administration)
North Chennai Registration District,
Beach Road, Chennai - 600 001.

3. K.Shanmugam

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent in his proceedings No.1093/A5/2019 dated 08.03.2019, quash the same and consequently, to direct the second respondent to take action in accordance with law.

For Petitioner
For Respondent
Nos.1 & 2
For Respondent
No.3

.. Mr.M.L.Ramesh
.. Mr.Yogesh Kannadasan
Govt.Advocate
.. Mr.N.R.Anantha Ramakrishnan

ORDER

The writ petition has been filed in the nature of Certiorarified Mandamus seeking interference with the order of the second respondent dated 08.03.2019 in proceeding No.1093/A5/2019.

2.Mr.M.L.Ramesh, learned counsel for the writ petitioner and also Mr.N.R.AnanthaRamakrishnan, learned counsel for the third respondent advanced arguments. Mr.Yogesh Kannadasan,



learned Government Advocate, represented on behalf of the first and second respondents.

3. Let me not delve into the facts, since the parties, particularly, the petitioner and the third respondent are already deeply involved in a litigation in O.S.No.52 of 2002 on the file of the District Munsif Court, Tiruvallur and also in yet another suit in O.S.No.41 of 2016 on the file of the District Munsif cum Judicial Magistrate Court, Uthukottai at Thiruvallur District.

4. The original suit had been filed for injunction by the writ petitioner herein against the third respondent. It is claimed that pending the suit, the third respondent had produced a sale deed and taking umbrage at that particular fact, the petitioner had given a complaint to the second respondent to examine the genuineness/validity of the said sale deed/stamp papers, in which, the sale deed had been prepared. The second respondent was reluctant to take up the matter, necessitating the writ petitioner herein to file W.P.No.7537 of 2018 and an order was passed on 17.12.2018 directing the said second respondent to consider the representation of the petitioner and pass appropriate orders. Orders had been passed by the second respondent on 08.03.2019. The said order is being seriously questioned by Mr.M.L.Ramesh but at the same time, sought to be upheld by Mr.Aanantha Rama Krishnan, the learned counsel for the 3rd respondent in this writ petition.

5. Let me again refrain from examining the facts as determined by the said authority. In the order, facts have been stated that the said authority has not given the conclusion based on those facts. Mere statement of facts may not be of any advantage to any of the party, who had approached the authority seeking an order on the facts as stated by them. Let me relegate the parties back to the second respondent to reargue the entire issue and they may point out the particular facts and invited him to give a finding on the said facts.

6. This reasoning by me necessitates me to interfere with the order dated 08.03.2019 thereby, setting aside the order and remitting the matter back to the second respondent, District Registrar Administration, North Chennai Registration District to reexamine the entire issue. The second respondent may issue notice not only to the writ petitioner herein but also to the third respondent and if required, may also examine the records produce and also invite evidence to be adduced by the parties. Civil Court proceedings may not be directly applicable but the law of evidence is certainly applicable.



7. With the said observations, the writ petition is allowed with a direction that the order dated 08.03.2019 is set aside and the matter remitted back to the 2nd respondent for fresh consideration in accordance with law. I direct that the said issue must be decided by 30.09.2021. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (L.A)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Inspector General of Registration,
Office of the Inspector General of
Registration, Santhome High Road,
Mylapore, Chennai - 600 004.
2. The District Registrar (Administration)
North Chennai Registration District,
Beach Road, Chennai - 600 001.

+1CC to Mr.N.R.Anantha Ramakrishnan, Advocate, Sr.No.37977
+1CC to Mr.M.L.Ramesh, Advocate, Sr.No.38215
+1CC to Government Pleader, Sr.No.38486

W.P.No. 8892 of 2019
and
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PMK (CO)
K.RK. (03.09.2021)