

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 23745 of 2018

R.Raju

... Petitioner

-vs-

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome, Chennai - 600 028.
 2. The District Registrar (Administrative),
Office of the District Registrar,
Ariyalur District,
Ariyalur.
 3. The Sub Registrar,
Office of the Sub Registrar,
Erumbulikurichi,
Ariyalur,
Ariyalur District.
 4. Visalatchi
 5. Vairam @ Vairakannu
 6. R.Prabhakaran
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents 1 to 3 to make enquiry relying upon the fraudulent documents in Doc. Nos.493 and 494 dated 28.05.2014 executed by the respondents 4 and 5 in favour of the sixth respondent and to initiate criminal proceedings according to the Section 83 of the Registration Act 1908.

For Petitioner : Mr.C.Samivel

For Respondents : Mr.P.Purushothaman
Government Advocate for R1 to R3

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents 1 to 3 to make enquiry relying upon the fraudulent documents in Doc. Nos.493 and 494 dated

28.05.2014 executed by the respondents 4 and 5 in favour of the sixth respondent and to initiate criminal proceedings according to Section 83 of the Registration Act 1908.

2. In respect of Doc. Nos.493/2014 and 494/2014 on the file of the third respondent, there is a grievance for the petitioner to state that, those documents were executed by the fourth and fifth respondents to and in favour of the sixth respondent and those two documents according to the petitioner, are fraudulent and forged documents. Therefore, in this regard, in order to conduct an enquiry and to launch prosecution against the private respondents under Section 83 of the Registration Act 1908, the petitioner has already given several representations and the last such representation was made by him on 14.12.2015. Though the said representation given to the concerned District Collector having been forwarded by him to the second respondent to conduct the enquiry, the same has not been so far conducted by the second respondent. Therefore, in order to get a direction from this Court directing the second respondent to conduct the enquiry and to launch the prosecution against the private respondents under Section 83 of the Registration Act 1908, the petitioner has approached this Court by filing the present Writ Petition with the aforesaid prayer.

3. Heard Mr.C.Samivel, learned counsel appearing for the petitioner, who having reiterated the aforesaid facts, would submit that, if a direction is given to the second respondent to conduct the enquiry on the complaint / representation given by the petitioner referred to above and ultimately, launch the prosecution under Section 83 of the Registration Act within a time frame that may be stipulated by this Court, the petitioner would be satisfied.

4. On the other hand, Mr.P.Purushothaman, learned Government Advocate appearing for the first to third respondents, on instructions, would submit that, the complaint / representation of the petitioner dated 14.12.2015 forwarded by the first respondent by his proceedings dated 19.02.2016 to the second respondent, if not has already been considered or decided, certainly, that would be considered and after conducting the enquiry, the needful would be done in accordance with law within a time frame that may be stipulated by this Court.

5. Insofar as the private respondents are concerned, there is no representation.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first to third respondents and perused the materials placed before this Court.

7. Since the petitioner has given a request to conduct the enquiry and to launch the prosecution against the private respondents against the fraudulent alleged transaction under Section 83 of the Registration Act and the same having been forwarded by the first respondent to the second respondent by his proceedings dated 19.02.2016, certainly, the second respondent has to enquire and decide the same on merits and therefore, keeping the same without showing any progress by conducting the enquiry is not proper. Therefore, this Court feels that, a direction can be given to the second respondent to conduct the enquiry and to pass necessary orders thereon on merits within a time frame.

8. In that view of the matter, this Court is inclined to dispose of this Writ Petition with the following orders:

"(i) That there shall be a direction to the second respondent to conduct the enquiry on the complaint / representation / petition submitted by the petitioner dated 14.12.2015, as forwarded by the first respondent to the second respondent by his proceedings dated 19.02.2016, by giving separate notices to the petitioner as well as the private respondents, and after conducting the enquiry, if ultimately, the second respondent finds any prima facie case to launch the prosecution as contemplated under Section 83 of the Registration Act, that action can also be taken.

(ii) At any rate, the needful as indicated above shall be undertaken within an outer time limit of three months from the date of receipt of a copy of this order."

9. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vji

To

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome, Chennai - 600 028.

2. The District Registrar (Administrative),
Office of the District Registrar,
Ariyalur District,

<https://hcservices.ecourts.gov.in/hcservices/>
Ariyalur.

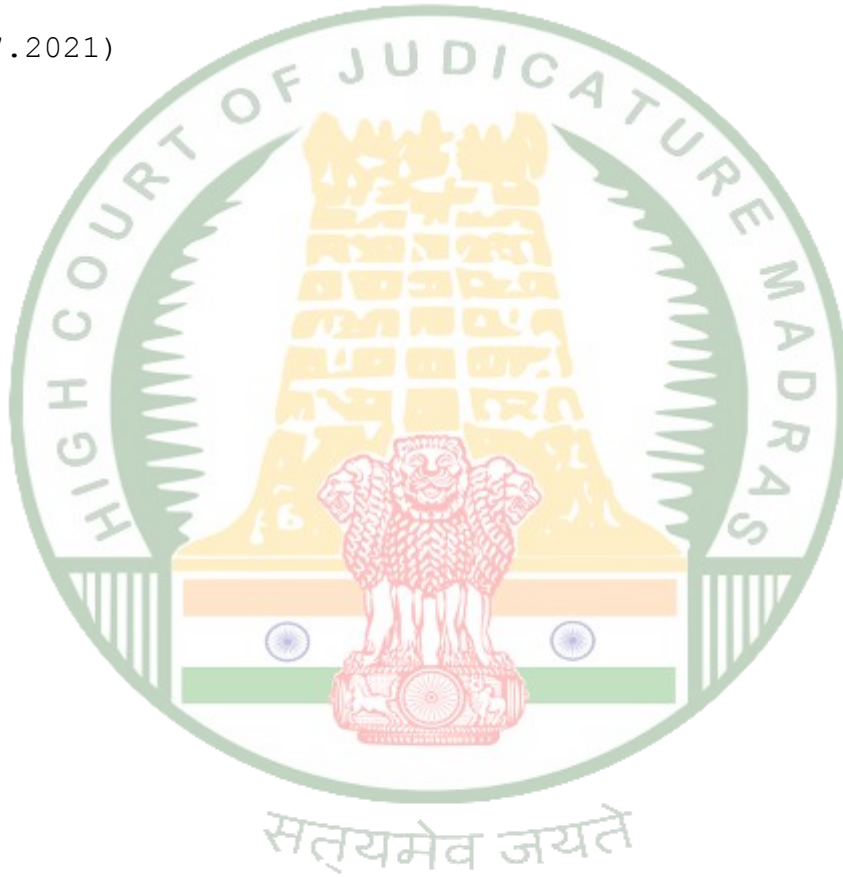
3. The Sub Registrar,
Office of the Sub Registrar,
Erumbulikurichi,
Ariyalur,
Ariyalur District.

+1cc to M/s. C.Samivel, Advocate, Sr.No.23057

+1cc to the Government Pleader, Sr.No.23390

W.P. No. 23745 of 2018

CP (CO)
R.K.(13.07.2021)



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