



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.10.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.21252 of 2021

P. Pradeep Kumar

...Petitioner

Vs.

1. The Inspector General of Registration,
100, Santhome High Road,
Pattinappakkam, Chennai - 600 028.

2. The Sub Registrar,
Office of the Sub Registrar Office,
Plot No.602-B-1, 1st Floor,
Alagirisamy Salai, Near PSBB School,
K.K.Nagar, Chennai - 600 078.

3. M.A.Jahangir

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first and second respondents in particularly, the 2nd respondent to consider the written representation dated 24.08.2021 and stop any other transactions.

For Petitioner : Mr.Anbalagan.G

For RR 1 & 2 : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 and 2, in particularly the 2nd respondent to consider the representation of the petitioner dated 24.08.2021.

2.The case of the petitioner is that he is working in a private finance company. On 05.10.2019, he had entered into a lease agreement with the third respondent herein and gave a sum of Rs.8,00,000/- with the consist of Rs.7,00,000/- in his bank Account No.1769166000000401 in Karur Vysya Bank Limited, Ramapuram Branch and Rs.1,00,000/- in his hand for the house owned by the third respondent at Door No.4/32, Plot No.39, 1st



Main Road, Royala Nagar, Ramapuram, Chennai - 600 089. Due to financial crisis, the third respondent was not in a position to hand over the leased house already assured by him. Subsequently, the third respondent has also received certain amount from various persons for the same reasons showing the said house. In the meantime, the property at Door No.4/32, Plot No.39, 1st Main Road, Royala Nagar, Ramapuram, Chennai-600 089, was purchased by him from Canara Bank, Ashok Nagar Branch and the same was not intimated to the petitioner or other persons from whom, the third respondent herein has taken money from several persons. Further, due to the non-payment of Equated Monthly Installments (EMI), the bankers have attached the said property. When the petitioner asked for the lease amount of Rs.8,00,000/- from the third respondent, he had spent huge amount to his daughter's medical education and assured that he will return the said amount within a short period of time or else return the same by selling his ancestral property which stands in the name of his mother and all the other family members and the same was given by way of written commitment on 08.01.2020. After a long gap of months, the third respondent did not take any steps to return the said amount. Therefore, the petitioner lodged a police complaint before the Deputy Commissioner of Police, T.Nagar Range and the same was forwarded to the Inspector of Police, R3 Ashok Nagar Police Station for further course of action. Hence, the complaint was registered and CSR.No.379 of 2020 dated 08.09.2020 also issued. Subsequently, the third respondent appeared for enquiry and sought time for six months to settle the said amount, but he has not settled till date. Nevertheless, the third respondent and his family members assured to settle the same by selling their ancestral property, which stands in the name of his mother. Later, the petitioner did not know the details of the Revenue Records regarding the plot and survey number of the said ancestral property. Thereafter, he sent a letter to the Tahsildar of West Mambalam, requesting the details of the property under Right to Information Act and the Revenue Records available with the petitioner mismatches with that of the third respondent's ancestral property. Hence, the petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India.

3.The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the second respondent in particularly the 2nd respondent to consider the written representation of the petitioner dated 24.08.2021.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.



5. On perusal of the typed set of papers, it is seen that the aforesaid lease agreement dated 05.10.2019 had entered between the petitioner and the third respondent has not been registered and the aforesaid property which has already been attached by the Bank. However, the learned counsel for the petitioner contending that the ancestral property belongs to the third respondent's mother, which will be sold for paying the amount and the same cannot be found in the Revenue Records available with the petitioner mismatches with the said building by the third respondent.

6. In view of the above facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is of the view that the writ petition is dismissed by stating that there is no cause of action for the respondents to consider the petitioner's representation dated 24.08.2021, however, the petitioner sought for the relief in this writ petition, permitted to work out his remedy before the Appropriate Forum in the manner known to law and not before this court by way of filing this writ petition.

7. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

gba/msm

To

1. The Inspector General of Registration,
100, Santhome High Road,
Pattinappakkam, Chennai - 600 028.

2. The Sub Registrar,
O/o. The SRO,
Plot No.602-B-1, 1st Floor,
Alagirisamy Salai, Near PSBB School,
K.K.Nagar, Chennai - 600 078.

+lcc to Mr.G.Anbalagan, Advocate, S.R.No.51372

+lcc to the Government Pleader, S.R.No.52028

W.P.No.21252 of 2021

SPD(CO)

RGA(21/01/2022)