



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.19792 of 2021

N.Haribabu

...Petitioner

Vs

1.The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalai Puram,
Chennai - 600 028.

2.The District Registrar,
Vellore District,
Fort Campus,
Vellore Fort,
Vellore - 632 002.

3.The Sub Registrar, Ambur
Post Office Road,
No.11, Railway Station Road,
Ambur - 635 802.

4.Kuppammal
5.Bharathi
6.Saraswathi

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records of the third respondent in connection with the impugned order of rejection in Na.Ka.No.179/2021, dated 06.07.2021 and consequently direct the first respondent to cancel the document bearing No.1881/2009, dated 25.03.2009 on the file of the third respondent based on the petitioner's representation dated 05.07.2021 within a time stipulated by this Court.

For Petitioner : Mr.K.Balasubramaniam

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader (for R1 to R3)



ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus, calling for the entire records of the third respondent in connection with the impugned order of rejection in Na.Ka.No.179/2021, dated 06.07.2021 and consequently direct the first respondent to cancel the document bearing No.1881/2009, dated 25.03.2009 on the file of the third respondent based on the petitioner's representation dated 05.07.2021 within a time stipulated by this Court.

2. The petitioner lodged a complaint as against the fourth respondent and executed the partition deed among the respondents 4 to 6 without any right over the property. The said complaint was also lodged simultaneously before the second and third respondents. However, the said complaint was rejected by the third respondent, by order dated 06.07.2021, for the reason that the third respondent has no power to cancel the document, which was registered already. As against the fraudulent deed of conveyance, only the second respondent has got power to conduct enquiry. Therefore, the third respondent has rightly rejected the complaint lodged by the petitioner and this Court finds no infirmity or illegality in the order passed by the third respondent.

3. In the result, this Writ Petition is dismissed. However, the said complaint is pending on the file of the second respondent without any adjudication. Hence, the second respondent is directed to issue notice to the petitioner and the respondents 4 to 6 herein on the complaint lodged by the petitioner dated 05.07.2021 and after giving an opportunity of hearing to them, pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

kv

To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalai Puram,
Chennai - 600 028.



2.The District Registrar,
Vellore District,
Fort Campus,
Vellore Fort,
Vellore - 632 002.

3.The Sub Registrar, Ambur
Post Office Road,
No.11, Railway Station Road,
Ambur - 635 802.

+1cc to Mr.K.Balasubramaniam, Advocate SR. No.67318
+1cc to Government Pleader SR. No.68283

W.P.No.19792 of 2021

PM (CO)
PR (04/01/2022)