

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.1144 of 2020

1.Mysore Venkataswamy Chettiar Trust,
rep. by its Founder Trustee,
No.9A, Beach Road, Opp. to Taluk Office,
Cuddalore Taluk,
Cuddalore District.

2.Venkatesan Chettiar ... Appellants

Vs.

1.G.R.Shankar

2.The Secretary to Government,
Registration Department,
Secretariat,
Chennai - 600 009.

3.The Inspector General of Registration,
Santhome Office,
Chennai.

4.The District Registrar,
District Registration Office,
Cuddalore District.

5.The Sub-Registrar,
Sub Registrar Office,
Joint-I, Thirupapuliyur,
Cuddalore District.

... Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 13.10.2020 passed in W.P.No.14516 of 2020.

W.P.No.14516 of 2020:Prayer:-

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, directing 3rd and 4th respondents to consider petitioner's representation dated 02/09/2020 to cancel the mysore venkatasamy chetty trust deed no.34/2020 registered by the 4th respondent office.

For Appellants : Mr.K.R.Krishnan

For Respondents : Mr.Senthil kumaran for 1st respondent
Mr.T.M.Pappiah
Spl. Government Pleader
for respondents 2 to 5

JUDGMENT

(Delivered by Senthilkumar Ramamoorthy, J.)

This writ appeal is filed by the respondents 5 and 6 to the writ petition. The first respondent herein is the writ petitioner. The writ petition was filed for issuance of a writ of mandamus to direct the registration authorities to consider the representation of the writ petitioner dated 02.09.2020 and to take action thereon.

2. The Writ Court, by the order impugned herein, directed the fifth respondent/Sub Registrar, Joint-I, Thirupapuliur, Cuddalore District to consider the representations made by the writ petitioner on 15.08.2019 and 02.09.2020 and deal with the same strictly under Section 83 of the Registration Act, 1908 after affording opportunity to the parties.

3. Learned counsel for the appellants states that the order impugned was passed by the Writ Court without providing an opportunity to the appellants herein. He further states that the writ petition was disposed of on the basis of an allegation with regard to the misuse of the trust deed by the first appellant. According to learned counsel for the appellants, such an observation should not have been made in the absence of the appellants.

4. Upon perusal of the order of the Writ Court, it is evident that the Writ Court has merely directed the fifth respondent herein to consider the representations made by the writ petitioner on 15.08.2019 and 02.09.2020 and to dispose of the same after providing an opportunity to all the parties. As such the appellants herein are not prejudiced in any manner by

the said order. Consequently, the order impugned herein does not call for any interference. Nonetheless, it is made clear that the registration authorities shall consider and dispose of the representations of the writ petitioner uninfluenced by any of the observations made in the order of the Writ Court.

5. W.A.No.1144 of 2020 is disposed of on the above terms. There will be no order as to costs. Consequently, C.M.P.No.14045 of 2020 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Registration Department,
Secretariat,
Chennai - 600 009.
- 2.The Inspector General of Registration,
Santhome Office,
Chennai.
- 3.The District Registrar,
District Registration Office,
Cuddalore District.
- 4.The Sub-Registrar,
Sub Registrar Office,
Joint-I, Thirupapuliyur,
Cuddalore District.

+3ccs to K.R.Krishnan, Advocate, Sr.No. 7104
+1 cc to The Government Pleader, Sr.No. 7501

W.A.No.1144 of 2020

JP (CO)
RMP (22/02/2021)