



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 19.02.2021

Pronounced on : 10.03.2021

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.836 of 2021

WEB COPY

M.R.Abdul Jabbar,
S/o.Rahamathulla,
263B/30D, 3rd Street,
Rahumaniyapuram, Kadayanallur Taluk,
Tirunelveli District,

Represented through Power Agent
V.M.Nathahar Badhusa,
S/o.Mydeen Kutti Mohammed,
No.245/2A, Rahumaniyapuram,
4th West, North Street, Krishnapuram,
Kadayanallur, Tenkasi Taluk,
Tenkasi District.

... Petitioner

-vs-

- 1.The Inspector General of Registration,
Office of Inspector General of Registration,
Chennai - 600 028.
- 2.The Deputy Inspector General of Registration
Office of the Deputy Inspector General of Registration,
Tirunelveli.
- 3.The District Registrar (Administration),
Office of the District Registrar,
Palayamkottai, Tirunelveli.
- 4.The Sub Registrar,
Kadayanallur,
Tenkasi District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the third respondent as per circular letter No.41530/U1/2017, dated 08.11.2017 to take appropriate legal action based on the petitioner/principal's representation dated 15.07.2020 against the offenders involved in the execution and registration of fraudulent sale deed dated 11.06.2020 (Document No.1589 of 2020 S.R.O. Kadayanallur), the fourth respondent within a time to be stipulated by this Court.



For Petitioner : Mr.A.Sivaji
For Respondents : Mr.K.Sathiyasingh
Additional Government Pleader

ORDER

WEB COPY This Writ Petition is filed to direct the third respondent to take appropriate legal action as per circular letter No.41530/U1/2017, dated 08.11.2017 and also based on the petitioner/principal's representation dated 15.07.2020 against the offenders involved in the execution and registration of fraudulent sale deed dated 11.06.2020 (Document No.1589 of 2020 S.R.O. Kadayanallur), before the fourth respondent within a time to be stipulated by this Court.

2.When the matter is taken up for hearing, the learned Counsel for the petitioner would submit that even very recently this Court has disposed of similar Writ Petitions with certain directions. The learned Counsel for the petitioner would refer to the decision of this Court rendered in W.P.(MD)No.18952 of 2020 dated 19.02.2021. The learned Counsel for the petitioner would specifically draw the attention of this Court to paragraphs 2 and 3 in the order which are extracted hereunder:

"2.When the matter is taken up for hearing, Mr.K.Sathiya Singh, learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the respondent department has issued a circular, dated 09.11.2018, as to the position to be followed in the matter of fraudulent registration. He would further submit that necessary action will be taken in terms of circular, dated 09.11.2018 and also further circulars issued by the respondent department.

3.In view of the above submission, the writ petition stands disposed of with the directions as under:-

i) The 1st respondent is directed to consider the petitioner's representation, dated 19.09.2019 and take a decision on the same in terms of circular dated 09.11.2018.

ii) The 1st respondent is also directed to pass appropriate orders in this regard within a period of 8 weeks from the date of receipt of a copy of this order."

Therefore, the learned Counsel for the petitioner would pray for similar orders to be passed in this Writ Petition as well.

3.Mr.K.Sathiya Singh, learned Additional Government Pleader would not quarrel with the submission of the learned Counsel for the petitioner and would, in fact, fairly concede as to the issue raised in the Writ Petition.



4. In view of the above, the writ petition stands disposed of with the directions as under:-

i) The third respondent is directed to consider the petitioner's representation, dated 15.07.2020 and take a decision on the same in terms of circular dated 09.11.2018.

ii) The third respondent is also directed to pass appropriate orders in this regard within a period of 8 weeks from the date of receipt of a copy of this order."

No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To

1. The Inspector General of Registration,
Office of Inspector General of Registration,
Chennai - 600 028.
2. The Deputy Inspector General of Registration
Office of the Deputy Inspector General of Registration,
Tirunelveli.
3. The District Registrar (Administration),
Office of the District Registrar,
Palayamkottai,
Tirunelveli.
4. The Sub Registrar,
Kadayanallur,
Tenkasi District.

+1 CC to Mr.A.SIVAJI, Advocate (SR-10035[F] dated 10/03/2021)
+1CC to THE SPECIAL GOVERNMENT PLEADER(SR-10539[F] dated 11/03/2021)

Order made in
W.P. (MD) No.836 of 2021
10.03.2021

TP (CO)

SRS (22/03/2021) 3P : 7C

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