



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.15884 of 2021

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Rayappan

... Petitioner

Vs.

1. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai, Tamil Nadu - 600 028.

2. The District Registrar (Admin),
Collectorate,
Thanthonrimalai,
Karur District.

3. The Sub Registrar,
Sub Registration Office,
Tharangampatty,
Karur District.

4. Micheal Anthonysamy.

5. Jerold Amalraj.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to dispose of the enquiry proceeding in Na.Ka.No.595/A1/2021 dated 16.03.2021 pending before the second respondent, take necessary action against the 4th respondent herein within the time stipulated by this Court.

For Petitioner : Mr.A.Joseph Jerry

For Respondents : Mr.K.S.Selva Ganesan,

Counsel for State for R1 to R3

O R D E R

The petitioner claims that his late father Anthony Udayar was the owner of the property bearing old Survey No. 269, new Survey No.701/23 at Pannapatty Village, kadavur Taluk, Karur District. Upon the death of his father, it is stated that the petitioner's mother and the three children succeeded to his estate. His mother also died thereafter. The petitioner alleges that the fourth respondent herein sold the said family property by indulging in impersonation. In specific, it is alleged that a non-existent person by the name



Sesuraj had executed the document. Such document was registered by the third respondent as Document No.2861/2010. Upon discovering the said fraud, the petitioner submitted a representation on 03.02.2021. Pursuant thereto, it is stated that an inquiry summon was issued on 16.03.2021, but that no action was taken thereafter.

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2. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. He submits that the second respondent may be directed to conclude the inquiry within a reasonable time frame.

3. The registration authorities clearly have the power to inquire into irregularities in course of registration. For instance, if there is impersonation, forgery or even if fabricated documents form the basis for registration, the registration authorities have the jurisdiction to inquire into the same. In the case at hand, an inquiry summon has been issued on 16.03.2021. Therefore, it is just and necessary that such inquiry be concluded expeditiously.

4. Subject to the above observations, without going into the merits of the matter, the second respondent herein is directed to proceed with and conclude the inquiry initiated in March 2021 within a period of three months from the date of receipt of a copy of this order. Such inquiry shall be conducted after providing a reasonable opportunity to the petitioner, respondents 4 and 5 herein and any other persons who would be affected by the outcome of such inquiry. At the conclusion of such inquiry, the second respondent shall issue a reasoned order in such regard. On account of the fact that the merits of the matter have not been gone into and because the second respondent is directed to provide a reasonable opportunity to the private respondents herein, the writ petition is disposed of without notice to such private respondents.

5. W.P(MD).No.15884 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

To

1. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai, Tamil Nadu - 600 028.



2. The District Registrar (Admin),
Collectorate,
Thanthonrimalai,
Karur District.

3. The Sub Registrar,
Sub Registration Office,
Tharangampatty,
Karur District.

+1 CC to M/s.A.JOSEPH JERRY, Advocate (SR-28270[F] dated 06/09/2021)

+1 CC to M/s.GP (SR-28523[F] dated 08/09/2021)

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RD(15.09.2021) 3P 6C