



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.19952 of 2021

A.Selvakumari

... Petitioner

versus

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

2. The District Registrar,
Palayamkottai,
Tirunelveli District.

3. M.Ravikumar
The Sub Registrar,
Melappalayam,
35/B, Bardos Complex, 1st Floor,
Ambai Road, Melappalayam,
Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 1 and 2 to take disciplinary action against the third respondent by considering the petitioner's representation dated 05.04.2021 based on the proceedings in Na.Ka.No.39708/C1/2018 dated 04.10.2018 on the file of the first respondent within the reasonable time.

For Petitioner : Mr.I.Robert Chandrakumar
For R1 and R2 : Mr.R.Sureshkumar
Government Advocate

ORDER

The writ petition is filed for a mandamus, directing the respondents 1 and 2 to initiate departmental action such as disciplinary action against the third respondent based on the petitioner's representation dated 05.04.2021.

2. The case of the petitioner is that on 05.04.1972, one Gomathinayakam purchased a property in Survey No.52/1B, measuring an extent of 5 acres and 71 cents situated in Melappalayam, Palayamkottai Taluk, Tirunelveli District. After the purchase of the said property, he was in possession and enjoyment of the said



property. On 22.09.1997, he executed a power deed over the said property in favour of one M.A.S.Ahammed Maideen, who in turn constructed several plots on the said property. Thereafter, on 11.09.2000, the petitioner's elder sister, namely, Ms.Jeyaseeli, purchased plot Nos.76 and 77 and her father, namely Arumugam, purchased Plot Nos.73, 74 and 75 from the said M.A.S.Ahammed Maideen. Since the petitioner's father died on 12.01.2021, all other legal heirs and the petitioner's sister executed a power deed in favour of the petitioner in respect of two properties. The petitioner submitted the same before the third respondent for registering it. But, the third respondent has not registered the same. Hence, the petitioner sent a representation to the higher officials, including the second respondent. Thereafter, the third respondent, vide his proceedings, dated 29.04.2021, refused to register the same stating that one Maideen Gnaniyar had objected to register the said property.

3. Now, it is the grievance of the petitioner that despite the representation given by the petitioner narrating all the facts, the third respondent, without conducting any enquiry and seeking any explanation from the petitioner, refused to register the document. The first respondent issued a circular dated 04.10.2018 to all the Registrars in Tamil Nadu, directing that if any objection is raised, the same should be verified, an enquiry should be conducted and the process should be completed at the earliest and if they fail to do so, stringent disciplinary proceedings shall be initiated against them. But, the third respondent has not acted, as per the circular issued by the third respondent. Therefore, the petitioner made a representation dated 05.04.2021 to the respondents 1 and 2 to take necessary action against the third respondent for violating the Circular dated 04.10.2018. Since there was no action on the said representation, the petitioner has filed the present writ petition.

4. Mr.R.Sureshkumar, learned Government Advocate, who takes notice for the respondents 1 and 2 and submits that a writ of mandamus cannot be issued to the respondents 1 and 2 to initiate departmental action as against the third respondent/Sub Registrar. In this regard, the learned Government Advocate has also relied upon the orders passed by this Court in **W.P. (MD) No.7525 of 2020 (R.Sivanesan vs. Director General of Police and others)** and **W.P. (MD) No.19282 of 2020 (K.Amala vs. The Director of Health Services and Preventive Medicine, Teynampet, Chennai and others)**. He further submitted that as against the proceedings of the third respondent dated 29.04.2021, a remedy is available to the petitioner to file an appeal under Section 72 of the Tamil Nadu Registration Act.

5. At this juncture, the learned counsel appearing for the petitioner submits that the petitioner has already filed a statutory appeal under Section 72 of the Tamil Nadu Registration Act.



6. Since the petitioner has already filed a statutory appeal under Section 72 of the Tamil Nadu Registration Act, she can work out her remedy in the statutory appeal. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Santhome,
Raja Annamalaipuram,
Chennai - 600 028.
2. The District Registrar,
Palayamkottai,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-33912[F] dated 10/11/2021)

W.P(MD)No.19952 of 2021

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