



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.1386 of 2022

Annie Lilybai Sunder

... Petitioner

Vs

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

2. The Sub Registrar of Tambaram,
Tambaram, Chennai - 600 059.

3. M/s.Sameeraa Foundation Private Limited,
Rep by its Director Ms.M.Sumitha,
W/o. Mr.J.Murugesan,
Meco House,
No.47, Anna Salai,
Chennai - 600 002.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to consider the representation dated 29.11.2021 and further direct the first respondent to conduct the enquiry and to take action and remove the illegal transaction from the encumbrance.

For Petitioner : Mr.M.Madhu Prakash

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
(for R1 & R2)

ORDER

This writ petition is filed to issue a Writ of Mandamus to direct the first respondent to consider the representation dated 29.11.2021 and further direct the first respondent to conduct the enquiry and to take action and remove the illegal transaction from the encumbrance.



2. The petitioner lodged a complaint before the first respondent in respect of fraudulent transactions executed in favour of the third respondent herein. However, the first respondent is not a competent authority by enquiry. But the concerned District Registrar is the competent authority to enquire into the fraudulent transactions under Section 68 of the Registration Act.

3. Considering the above facts and circumstances of the case, the petitioner is directed to submit a fresh complaint/representation before the concerned District Registrar within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the concerned District Registrar is directed to conduct enquiry, after issuance of notice to the petitioner and the third respondent and after giving an opportunity of hearing to them, pass orders on merits and in accordance with law, within a period of twelve weeks thereafter.

4. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

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To

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

2. The Sub Registrar of Tambaram,
Tambaram, Chennai - 600 059.

+1cc to Government Pleader SR.No.7404

W.P.No.1386 of 2022

MT (CO)
GMY (08/03/2022)