



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6186 of 2022
and
W.M.P.No.6256 of 2022

M.Loganathan

...Petitioner

Vs.

1. The Inspector General of Registration,
Santhome, Chennai-600 028.

2. R.Ramasamy,
District Registrar,
Registration Department,
Thiruppur, Thiruppur District.

3. The Sub-Registrar,
Udumalpet, Thiruppur District.

4. S.Ganesan,
Sub Registrar,
Udumalpet, Thiruppur District.

5. V.Radhakrishnan

6. Safvolt Switchgears Private Limited,
Rep. By its Managing Director,
No.7/174, Vellanaipatty Village,
Annur Taluk, Comibatore District-641 048.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to nominate any District Registrar other than the 2nd respondent to conduct an Enquiry on the Complaint of the petitioner dated 22.11.2021 within a stipulated period.

For Petitioner	: Mr.K.Selvaraj
For Respondents R1 to R4	: Mr.Yogesh Kannadasan, Spl. GP
For Respondents R5 & R6	: Mr.Aravind Pandian, SC
	for M/s.S.V.Pravin Rathinam.



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the 1st respondent to nominate any District Registrar other than the 2nd respondent to conduct an Enquiry on the petitioner's complaint dated 22.11.2021.

2. Learned Special Government Pleader takes notice on behalf of the respondents 1 to 4. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that, the petitioner's mother one Rukmani was the owner of the property comprised in Survey No.521, measuring an extent of 46.97 Acres, situated at Andiya Koundar Village, Udmalpet Taluk, Thiruppur District and the same was allotted to her, vide registered partition deed dated 21.11.1988. After the demise of the petitioner's mother, the petitioner, his brother one Rajagopal and three sisters, namely Muthammal, Neelavathi and Krishnaveni are the only legal heirs of the said Rukmani and they are the co-owners of the above said property. Thereafter, the petitioner and his brother have filed a partition suit in O.S.No.408/2018 before the III Additional District Court, Dharapuram and the same is pending. Whiles, the petitioner's sisters, said Muthammal and Leelavathi have executed a registered settlement deed dated 26.07.2021, registered as Document No.7221 of 2021, in favour of said Krishnaveni, one of the petitioner's sister, as if they are entitled to 1/3 share in the above said property and have released 2/3 share in favour of the said Krishnaveni, pursuant to which, the said Krishnaveni executed another settlement deed dated 16.08.2021 registered as Doc.No.7531 of 2021 in favour of her husband / 5th respondent herein, thereby, the 5th respondent executed a sale deed dated 31.12.2021, registered as Document No.131 of 2022 in favour of the 6th respondent.

4. Therefore, the petitioner submitted a detailed complaint dated 22.11.2021 before the 2nd respondent, however, the 2nd respondent has not passed any orders on the same. Aggrieved by the inaction of the 2nd respondent, the petitioner filed a writ petition in W.P.No.494 of 2022 and this Court, vide order dated 12.01.2022 directed the 2nd respondent to conduct enquiry on the petitioner's complaint and pass orders within twelve weeks. In compliance of the order of this Court, the 2nd respondent, vide notice dated 17.02.2022 directed the petitioner and other parties to appear for enquiry on 24.02.2022, however, suppressing the complaint made by the petitioner, the 2nd respondent has proceeded with the enquiry based on the complaint made by the 5th respondent. However, till date, the said enquiry was not concluded. Hence, the present writ petition is filed.



5. Learned counsel for the petitioner submitted that, though the petitioner filed a complaint on 22.11.2021, and though this Court, vide order dated 12.01.2022 directed the 2nd respondent to conduct enquiry on the petitioner's complaint, however, the 2nd respondent has initiated proceedings as against the petitioner and has not acted upon the petitioner's complaint. He further submitted that, when the partition suit filed by the petitioner and his brother in O.S.No.408 of 2018 before the III Additional District Court, Dharapuram, in respect of the very same dispute property is pending, the 2nd respondent is not the competent authority to decide upon the title in between the petitioner and the private respondents. Hence, it would suffice if this Court issues direction to the 2nd respondent to defer the complaint filed by the 5th respondent till the disposal of the partition suit filed by the petitioner and his brother in O.S.No.408 of 2018.

6. Learned Special Government Pleader appearing on behalf of the official respondents and learned Senior Counsel appearing for the the private respondents have no serious objection for the limited relief sought for by the petitioner.

7. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, issues direction to the 2nd respondent to defer the complaints made by the petitioner and the 5th respondent, till the disposal of the partition suit filed by the petitioner and his brother in O.S.No.408/021 on the file of the III Additional District Court, Dharapuram.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

skt

To

1. The Inspector General of Registration,
Santhome, Chennai-600 028.
2. R.Ramasamy,
District Registrar,
Registration Department,
Thiruppur, Thiruppur District.



3. The Sub-Registrar,
Udumalpet, Thiruppur District.

+1cc to Mr.K.Selvaraj, Advocate, Sr.No.24794

+1cc to Mr.S.V.Pravinrathinam, Advocate, Sr.No.25163

+1cc to Government Pleader, Advocate, Sr.No.25791

W.P.No.6186 of 2022

and

W.M.P.No.6256 of 2022

VG II(CO)

SP/10/05/2022