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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.8937 OF 2022

S.Rekchand

...Petitioner

vs.

- 1.The Inspector General of Registration,
The Office of the IG Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram,
Chennai - 600 028.
- 2.The Deputy Inspector of Registration,
South Zone,
Combined Registration Department Complex,
Bernbet, Nandanam,
Chennai - 600 035.
- 3.The District Registrar,
Officer of the District Registrar Chennai Central,
No.268, Bharathi Salai,
Express Estate, Royapettah,
Chennai - 600 014.
- 4.The Sub-Registrar Office,
Kodambakkam Sub-Registrar Office,
No.37/5, Azhagiri Nagar, 5th Street,
100 ft., Koyembedu Road, Kodambakkam,
Chennai - 600 026.
- 5.Siddarth Galada
- 6.Chellammal
- 7.Deivakani @ Kanniyammal

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to consider petitioner's appeal dated 21.07.2021 made against the order passed in No.12416/A2/2020 dated 10.04.2021 by the 3rd respondent.



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For Petitioner : Mr.M.Akila
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed seeking for a issuance of a writ of Mandamus to direct the 2nd respondent to consider petitioner's appeal dated 21.07.2021 as against the order passed by the 3rd respondent in No.12416/A2/2020 dated 10.04.2021.

2. Since no adverse order has been passed against the private respondents, notice to the private respondents is dispensed with.

3. The case of the petitioner is that petitioner and his wife purchased the property bearing Plot No.1A & 4A of an extent of 1400 sq. ft. and 1200 sq. ft. respectively from one Krishnammal and one Habibulla Jeddy situated at Arumbakkam Chennai. In order to grab the petitioner's property, the 5th respondent and others have fabricated forged documents. Whiles, the petitioner made representation before the 1st and 3rd respondents dated 12.12.2020 to take action under Section 83 of the Registration Act, 1908, who in turn passed an order dated 10.04.2021, in favour of the 5th respondent and advised the petitioner that there is an Appeal remedy available before the 2nd respondent. Hence, the petitioner filed an Appeal before the 2nd respondent on 21.07.2021. Since the same was not considered, the petitioner has come up with the present Writ Petition seeking the aforesaid relief.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's Appeal dated 21.07.2021 and pass appropriate orders on merits within a particular time frame to be fixed by this Court.

5. The learned Special Government Pleader for respondents 1 to 4 has no objection for said order being passed.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the 2nd respondent to consider the said Appeal of the petitioner dated 21.07.2021 and pass appropriate orders and



dispose of the same, on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as private respondents, within a period of 12 weeks from the date of receipt of a copy of this order. It is made clear that, this Court, has not expressed any opinion on the merits of the claim of the petitioner and it is for the 2nd respondent to decide the same at the time of disposing of the said Appeal purely on merits.

8. With the above observations and direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

rap

To

- 1.The Inspector General of Registration,
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100 ft., Koyembedu Road, Kodambakkam,
Chennai - 600 026.

+1cc to the Government Pleader Sr.No.26391

W.P.No.8937 of 2022

NMI (CO)
RVM(10/05/2022)