



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.9302 of 2022

and

W.M.P.No.9062 of 2022

A.Prabakaran

...Petitioner

Vs.

1. The Inspector General of Registration,
Santhome, Chennai-28.

2. The District Registrar,
District Registrar Office,
Arakkonam, Ranipet District.

3. The Sub Registrar,
Joint II Sub Registrar Office,
Arakkonam.

4. Mr.Dhayalan

5. Mrs.Laila

6. Mrs.Meenakshi

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to cancel the sale deed dated 25.04.2019 bearing Document No.1808 of 2019 on the file of Joint II Sub Registrar, Arakonam after conducting enquiry based on the complaint/representation dated 02.07.2019 and reminder dated 28.02.2022, within a reasonable period, without giving any place for further fraudulent registrations affecting the petitioner's property right.

For Petitioner : Mr.K.Chozhan

For Respondents : Mr.Yogesh Kannadasan

Special Government Pleader

for RR1 to 4

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the second respondent to cancel the



sale deed dated 25.04.2019 bearing Document No.1808 of 2019 on the file of Joint II Sub Registrar, Arakonam, after conducting enquiry based on the complaint/representation dated 02.07.2019 and reminder dated 28.02.2022, within a reasonable period, without giving any place for further fraudulent registrations affecting the petitioner's right in his property.

2. The case of the petitioner is that the petitioner's father Mr.Appadurai had owned and possessed a larger extent of land in S.Nos.296/8A, 296/8C, 296/8E, 298/2A, 298/3A2, 65/1A10, 66/2, 66/5, 67/26 to an extent of 1.80 Acres, bearing Patta No.3, situated at Thanigaipolur Revenue Village, Arakonam Taluk, Vellore District. After the demise of the petitioner's father, the petitioner and other legal heirs inherited the aforesaid property and involved in cultivation. However, without the knowledge of the petitioner, the wife of 4th respondent, Mrs.Laila and Mrs.Meenakshi, who is also related to the 4th respondent, had executed a registered sale deed dated 25.04.2019 on the file of Joint II Sub Registrar, Arakonam in favour of the 4th respondent. Further, the 4th respondent is trying to alienate and encumber the aforesaid properties into third parties. Thereafter, the petitioner made a complaint/representation dated 02.07.2019 before the 2nd respondent/District Registrar, Arakonam, seeking to cancel the fraudulent sale deed dated 25.04.2019. Thereafter, the Enquiry Notice dated 16.08.2019 was issued by the second respondent. However, the enquiry was not concluded. Again, the petitioner has made a representation/reminder dated 28.02.2022 before the second respondent, seeking to consider his representation. As the said representation/reminder made by the petitioner has evoked no response from the respondents, the petitioner has filed the present Writ Petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submitted that that it would suffice, if this Court issues direction to the second respondent to conclude the enquiry based on the petitioner's representation/complaint dated 02.07.2019 and reminder 28.02.2022 in terms of Section 68(2) of the Registration Act and pass orders on the same within a particular time frame that may be fixed by this Court.

4. Since no adverse order is being passed against the private respondents, notice to the private respondents is dispensed with.



5. The learned Special Government Pleader appearing for the respondents has no objection for said order being passed.

6. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the second respondent to conclude the enquiry based on the petitioner's representation/complaint dated 02.07.2019 and reminder dated 28.02.2022 in terms of Section 68(2) of the Registration Act and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the private respondents, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jd/rap

To

1. The Inspector General of Registration,
Santhome, Chennai-28.

2. The District Registrar,
District Registrar Office,
Arakkonam, Ranipet District.

3. The Sub Registrar,
Joint II Sub Registrar Office,
Arakkonam.

+1 CC to The Government Pleader sr 26395

+1 CC to Mr.K.Chozhan, Advocate sr 25878.

W.P. No.9302 of 2022
and
W.M.P.No.9062 of 2022

SSD(CO)
SP(05/05/2022)