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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.12579 OF 2022

AND

W.M.P.NOS.12030 AND 12033 OF 2022

Ganesamoorthy

... Petitioner

.Vs.

1. The Inspector General of Registration,
O/o. Inspecto General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai - 637 104.
2. The Deputy Inspector General of Registration,
O/o. Deputy Inspector General of Registration,
No.6/1, G.S.T. Road,
Kamarajar Road, Red Fields,
Coimbatore - 641 045.
3. The District Registrar,
O/o. District Registrar,
Gobichettipalayam - Post,
Erode-District.
4. The Sub Registrar,
Nambiyur Sub Registrar Office,
Nambiyur Post,
Erode District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified Mandamus to call for the records relating to the refusal check slip in RFL/Nambiyur/3/2021 on the file of the 4th respondent dated 23.12.2021 and quash the same and further direct the 4th respondent to admit and register the document.



For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

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ORDER

This writ petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the refusal check slip in RFL/Nambiyur/3/2021 on the file of the fourth respondent, dated 23.12.2021 and quash the same and direct the fourth respondent to admit and register the document.

2. The case of the petitioner is that, one Chandiran, vendor of the petitioner, purchased the property in Survey No.245/6, of an extent of 1200 sq.ft. situated at Irukalur Village, Nambiyur Taluk, Erode-District on 28.09.2011, vide Document No.3343 of 2011 on the file of Sub-Registrar from one Palanisamy, Power Agent of M.Venkataraman. Thereafter, said Chandiran is in possession and enjoyment of the said property. While that being so, the petitioner purchased the said property from said Chandiran and the document was referred for registration before the fourth respondent, who in turn refused to register the same, stating that, the principal of the Power Agent i.e., M.Venkataraman died on 27.08.2011. Thereafter, the legal heirs of the said Venkataraman made a complaint on 08.09.2016, before the third respondent/District Registrar against the Power of Agent Palanisamy, relating to the registration of the documents after the death of their father ie., Venkataraman. While so, the third respondent conducted enquiry and finally rejected the complaint made by the legal representatives of the said Venkataraman on 08.09.2016. Thereafter, the petitioner's vendor made a representation/ petition dated 21.01.2022 before the respondents 1 to 3 to register the document pending for consideration. Since the said representation is still pending, the petitioner has come up with the present Writ Petition seeking the aforesaid relief.

3. The learned counsel appearing for the petitioner submitted that, as against order passed by the fourth respondent in Refusal check slip No.RFL/Nambiyur/3/2021 dated 23.12.2021, the petitioner's vendor preferred an appeal (representation) dated 21.01.2022, before the respondents 1 to 3. He further submitted that it is sufficient if this Court issues direction to the third respondent to consider the petitioner's representation (appeal) dated 21.01.2022 and pass appropriate orders, within a time frame to be fixed by this Court.



4. The Sub Registrar,
Nambiyur Sub Registrar Office,
Nambiyur Post,
Erode District.

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+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.34799
+1cc to the Government Pleader, S.R.No.35346

W.P.NO.12579 OF 2022

AJS (CO)
PBS/01/07/2022