



WEB COPY



W.P.No.42672 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 10.11.2022**

**CORAM:**

**THE HON'BLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.42672 of 2016**

S.Mohan

... Petitioner

vs.

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

2. The District Registrar (Administration)  
Registrar Office (South)  
Saidapet,  
Chennai – 600 015.

3. The Sub Registrar,  
Sub Registrar Office,  
Saidapet, Chennai – 600 015.

4. M.Jayaraman

5. J.Mohan

6. Dilli

7. J.Gopal

8. H.Prabhakaran

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to take appropriate action on the complaint given by the petitioner to the second respondent dated 28.09.2016 within time frame that may be fixed by this Court.

For Petitioner : Mr.R.Aparna

For R1 to R3 : Mr.G.Krishna Raja  
Additional Government Pleader

For R4 to R7 : Tapal returned

For R8 : Mr.V.Chandrakanth

### **ORDER**

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents to take appropriate action on the complaint given by the petitioner to the second respondent dated 28.09.2016 within time frame that may be fixed by this Court.

2. Since no adverse order is being passed against respondents 4 to 8, notice to respondents 4 to 8 is dispensed with.



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3. It is the case of the petitioner that he purchased the property in S.No.203/2 to an extent of 5.89 cents from one N.Chandran vide sale deed dated 21.01.1988. Thereafter, petitioner came to know that there was a variation in the Encumbrance Certificate in respect of above said property reflecting the name of the respondents 4 to 7, who are none other than the relatives of the petitioner's vendor, which is because of the execution of the settlement deed by the fourth respondent in favour of the respondents 5 to 7. While so, the petitioner gave a complaint before the respondents 2 and 3 dated 28.09.2016, to take action against the respondents 4 to 7 and to cancel the illegal settlement deed executed by the fourth respondent and the entry made in the encumbrance certificate. Since the same was not considered by the respondents 2 and 3, the present writ petition has been filed seeking the aforesaid relief.

4. Though very many grounds have been raised in this Writ Petition, learned counsel appearing on behalf of the petitioner submits that it would suffice if this Court issues direction to the second respondent to conduct enquiry between the petitioner and the private respondents based on the



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petitioner's complaint dated 28.09.2016 for cancellation of fraudulent document and illegal entry made in the encumbrance certificate and pass appropriate orders within a period that may be fixed by this Court.

5. Heard the contention of learned Additional Government Pleader appearing for the respondents 1 to 3 and learned counsel appearing for the eighth respondent and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case, this Court, without going into the merits of the case, directs the petitioner to forward a copy of the representation / complaint dated 28.09.2016 before the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same the second respondent is directed to conduct enquiry between the petitioner and respondents 4 to 7 based on the petitioner's complaint dated 28.09.2016 and pass appropriate orders on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as aggrieved persons, if any including the respondents 4 to 7 within a period of twelve weeks thereafter.



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WEB COPY 7. With the above observation and directions, this Writ Petition is disposed of. No costs.

**10.11.2022**

RAP

Index : Yes/No

Speaking order : Yes/No

To:

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**M.DHANDAPANI, J.**

RAP

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