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W.P.No.25961 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.25961 of 2022

P.Dilipkumar

... Petitioner

Vs.

1.The District Registrar
District Registration Office,
North Chennai,
Chennai.

2.The Sub-Registrar,
Sub-Registration Office,
Thiruvottiur,
Chennai.

3.J.Muthuraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 & 2 herein to take legal action against the third respondent by perusing the petitioner's representation dated 25.07.2022 within a time frame to be fixed by this Court.

For Petitioner : Mr.K.S.Vishnu Prasad

For Respondents 1 & 2 : Mr.E.Vijay Anand,
Additional Government Pleader

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ORDER

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2. This Writ Petition has been filed seeking for issuance of Writ of Mandamus, directing the respondents 1 & 2 herein to take legal action against the third respondent by perusing the petitioner's representation dated 25.07.2022 within a time frame to be fixed by this Court.

3. The case of the petitioner is that the petitioner purchased a property comprised in S.Nos.34/1, 34/2, 34/3, 34/4 from the third respondent to an extent of 1200 sq. ft in plot No.203 at Kosapur Village and the same was registered before the Sub-Registrar Office at Thiruvottiyur vide Doc.No.1116/2021 dated 08.02.2021, however, the third respondent has already alienated the said property in Doc.No.5002 of 1990 and suppressing these fact, executed a sale deed in favour of the petitioner. Aggrieved over the same, the petitioner made a police complaint to take legal action against the third respondent and further he made a representation dated 25.07.2022 before the first respondent seeking for the similar relief, however, till date, no



order was passed. Hence, this writ petition.

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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 a direction to the first respondent to consider the petitioner's representation dated 25.07.2022 and pass appropriate orders on merits within a time frame that may be fixed by this Court.

5. Heard the learned counsel for the petitioner and perused the materials placed on record.

6. The fact in the present case is not in dispute. Admittedly, the third respondent alienated the aforesaid property vide Doc.No.5002 of 1990 and suppressing these facts, alienated the same property in favour of the petitioner vide Doc.No.1116 of 2021, however, the petitioner without inspecting anything, purchased the aforesaid property from the third respondent. Aggrieved over the same, he has filed a complaint before the first respondent.



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7. In the present case on hand, the petitioner wants take action against the third respondent and he has also made a complaint before the first respondent/District Registrar, however, the power vested with the District Register is to deal with the documents for registration if it is fraudulent one and he has no power to take action in respect of issue involved in this petition. Hence, the representation made by the petitioner before the first respondent/District Registrar is not maintainable.

8. Accordingly, this writ petition stands dismissed. However, liberty is granted to the petitioner to work out the remedy before the competent civil court in the manner known to law. No costs.

28.09.2022

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Index : Yes/No

Speaking Order : Yes/No

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North Chennai,
Chennai.

2.The Sub-Registrar,
Sub-Registration Office,
Thiruvottiyur,
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M.DHANDAPANI,J.

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