



W.P.No.34125 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.34125 of 2022

R.Arularasan

.... Petitioner

-Vs-

1.The Inspector General of Registration
No.110, Santhome High Road
Chennai 600 028.

2.The District Registrar
Office of the District Registrar
No.52, Orikkai Madhura
Kancheepuram 631 502.

3.Tmt.Jegadeeswari
The Sub-Registrar I/C, Joint-I
Orikkai, Kancheepuram District-631 502.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to take appropriate action against Tmt.Jagadeeswari the Sub Registrar (I/C) Joint-I, Sub Registrar Office, Kancheepuram, the 3rd respondent herein for dereliction of duty and caused loss to the Government Exchequer.

For Petitioner : Mr.T.Gnana Babu

For Respondents : Mr.P.Sathish
Additional Government Pleader – for RR 1&2
R3 – Notice dispensed with



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ORDER

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The prayer sought for herein is for a Writ of Mandamus directing the 1st respondent to take appropriate action against Tmt.Jagadeeswari the Sub Registrar (I/C) Joint-I, Sub Registrar Office, Kancheepuram, the 3rd respondent herein for dereliction of duty and caused loss to the Government Exchequer.

2. It is the case of the petitioner that, the property in question belongs to the petitioner as he claimed that it has been entrusted to the petitioner by way of execution of will by the petitioner's great grandmother. When that being so, the grandmother of the petitioner one C.Sarojini had entrusted the property to one P.Alexander who was her car driver and despite the protest petition given by the petitioner, the said document was registered by the 3rd respondent and therefore, in order to take action against the 3rd respondent, the petitioner has given a representation dated 16.03.2022 to the 2nd respondent and in order to consider the same the petitioner has moved the present writ petition.

3. Reiterating the aforesaid facts, Mr.T.Gnana Babu learned counsel for the petitioner seeks the indulgence of this Court.

4. Heard Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents 1 and 2, who would submit that, if at all any petition has



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been filed dated 16.03.2022 by the petitioner to the 2nd respondent, the same shall be treated as complaint / petition within the meaning of Section 68(2) of the Registration Act as allegation has been made against the 3rd respondent, after issuing notice to the 3rd respondent as well as the petitioner that would be considered and decided by the 2nd respondent within a time frame that may be stipulated by this Court.

5. Considering the said submission made by the learned Additional Government Pleader, and in view of the order that is going to be passed in this writ petition by having dispensed with the notice to the 3rd respondent, this Court is inclined to dispose of this writ petition with the following order.

“That there shall be a direction to the 2nd respondent to consider the complaint / representation submitted by the petitioner dated 16.03.2022 and decide the same after giving an opportunity of being heard to the petitioner as well as the 3rd respondent and pass orders thereon on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.”

R. SURESH KUMAR, J.



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KST

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6. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

21.12.2022

Index : Yes/No
Internet : Yes/No
KST

To

1.The Inspector General of Registration
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