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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.31299 OF 2019

S.Sankari

... Petitioner

-Vs-

1. The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.

2. The District Registrar,
Arakonam Registration District,
Arakonam - 631 001.

3. The Sub Registrar,
Arcot Sub-Registrar Office,
Arcot, Vellore District - 632 503.

4. V.Karthikeyan

5. K.Sundari

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the first respondent to dispose the petitioner's representation dated 23.09.2019, by conducting inquiry as per Section 83(1) of the Registration Act, 1908 and its rules, within a stipulated time period.

For Petitioner : Mr.G.Daisy John

For Respondents

For R1 to R3 : Mr.Yogesh Kannadasan
Special Government Pleader

For R4 & R5 : Mr.S.Wilson



ORDER

The Writ Petition has been filed to direct the first respondent to dispose the petitioner's representation dated 23.09.2019, by conducting inquiry as per Section 83(1) of the Registration Act, 1908 and its rules, within a stipulated time period.

2. The petitioner's father owned property comprised in T.S.No.74 under patta No.125 situated at Ward 'B', 15th Block, Pillaiar Koil Street, ad measuring 4635 sq.ft., land along with building in 70 sq.mtr., and 20 Sq.mt. rice mills. He also owned property comprised in T.S.No.76, situated at Ward 'B', 15th Block, Door No.33, Sundara Mudaliar Street, Arcot. Her father owned another property comprised in survey No.22/2A ad measuring 1.09 acres situated at Thalanur Village, Arcot Taluk. After his demise on 31.07.1980, the fourth respondent, being one of the legal heirs, fraudulently executed a settlement deed in respect of the property in favour of the fifth respondent by impersonating the legal heirs and also forged their signatures. In turn, the fifth respondent also executed a sale deed in favour of the third parties. In this regard, the petitioner also lodged complaint, before the first respondent to conduct enquiry, as per section 83(1) of the Registration Act. Since the circular No.67 dated 03.01.2011, of the Inspector General of Registration, was withdrawn by the Government, the petitioner's representation was returned to her. Aggrieved by the same, the petitioner filed this present Writ Petition.

3. Heard Mr.G.Daisy John, learned counsel appearing for the petitioner, Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.P.Wilson, learned counsel appearing for the respondents 4 & 5.

4. Considering the above facts and circumstance, the petitioner is direct to submit a fresh representation before the second respondent, within a period of two weeks from the date of receipt of a copy of this Order. On receipt of the same, the second respondent is directed to issue notice to the petitioner and the respondents 4 & 5 for enquiry, and after giving them opportunity of hearing, pass orders on merits and in accordance with law, within a period of the twelve weeks thereafter.



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5. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.
2. The District Registrar,
Arakonam Registration District,
Arakonam - 631 001.
3. The Sub Registrar,
Arcot Sub-Registrar Office,
Arcot, Vellore District - 632 503.

+1cc to Mr.G.Daisy John, Advocate, S.R.No.4357
+1cc to Mr.S.Wilson, Advocate, S.R.No.4429
+1cc to the Government Pleader, S.R.No.4769

W.P.NO.31299 OF 2019

MT (CO)
PBS/21/02/2022