



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.3033 of 2022

WEB COPY

Sheik Mydeen

... Petitioner

Vs.

1.The Inspector General,
Registration Department,
No.100, Santham High Road,
Raja Annamalaipuram,
Chennai District.

2.The Deputy Inspector General,
Registration Department,
No.100, Santham High Road,
Raja Annamalaipuram,
Chennai District.

3.The District Registrar,
O/o. The District Registrar,
Gangaikondan Sub Registrar Office,
Tirunelveli District.

4.The Sub Registrar,
O/o. The Sub Registrar,
Gangaikondan Sub Registrar Office,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to transfer the enquiry in Na.Ka.No.595/E2/2022 pending before the third respondent to second respondent or any other registrar holding the rank of Deputy Inspector General by considering the petitioner's representation dated 04.02.2022.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.S.Shanmugavel

Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to transfer the enquiry pending



before the third respondent to second respondent or any other Registrar holding the rank of Deputy Inspector General based on the petitioner's representation dated 04.02.2022 within a time frame to be fixed by this Court.

2. The prayer sought for in this writ petition cannot be granted by this Court. Only based on apprehension that the third respondent is likely to show partiality, the petitioner has filed this writ petition. No concrete evidence has been produced by the petitioner to substantiate his case. While that be so, as observed earlier, this Court cannot grant a relief sought for in this writ petition. The only direction that could be issued by this Court is to direct the third respondent to hold enquiry and pass orders on merits and in accordance with law after affording a fair hearing to the petitioner.

3. Enquiry has already been initiated with regard to the registration of the document presented for registration by the petitioner which is objected to by a person by name Ganesan. The enquiry date is on 16.02.2022 ie., today and it is now represented by learned Additional Government Pleader for the respondents that it has now been adjourned to 04.03.2022. Therefore, the only remedy available to the petitioner is to participate in the enquiry and submit his explanation which he has already done as seen from the typed set of papers filed along with this writ petition and the said explanation is dated 21.01.2022. The third respondent while passing final orders in the enquiry proceedings initiated by him will have to necessarily consider the explanation submitted by the petitioner on merits and in accordance with law.

4. Therefore, this writ petition is disposed of by issuing the following directions:

'the third respondent shall consider the petitioner's explanation dated 21.01.2022 and after affording personal hearing to the petitioner as well as the persons who have given the complaint opposing the registration of the document and pass final orders on merits and in accordance with law within a period of twelve [12] weeks from the date of receipt of a copy of this order.'

6. With the aforesaid direction, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Deputy Registrar(LA & MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



MR

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector General,
Registration Department,
No.100, Santham High Road,
Raja Annamalaipuram,
Chennai District.
- 2.The Deputy Inspector General,
Registration Department,
No.100, Santham High Road,
Raja Annamalaipuram,
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- 3.The District Registrar,
O/o. The District Registrar,
Gangaikondan Sub Registrar Office,
Tirunelveli District.
- 4.The Sub Registrar,
O/o. The Sub Registrar,
Gangaikondan Sub Registrar Office,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-6769[F] dated 17/02/2022)

ORDER MADE IN
W.P. [MD]No.3033 of 2022
16.02.2022

SK(CO)
TR(08.03.2022) 3P 6C