



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4847 of 2022

K.R.Rathinam

.. Petitioner

Vs

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 28.
- 2.The District Registrar,
The Office of District Registrar,
Muthupattinam,
Karaikudi,
Sivagangai District.
- 3.The Sub-Registrar,
The Office of Thiruvadanai Sub-Registrar,
Thiruvadanai,
Ramanathapuram District.
- 4.Kalai

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's complaint, dated 16.10.2021 and to conduct an enquiry as per the Circular in letter No.41530/U1/2017, dated 08.11.2017, issued by the 1st respondent, within the time fixed by this Court.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.S.Shanmugavel for R1 to R3
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to consider the petitioner's complaint, dated 16.10.2021 and to conduct the enquiry as per the Circular in letter No.41530/U1/2017, dated 08.11.2017, issued by the 1st respondent, within a time fixed by this Court.



2.The petitioner seeks for cancellation of the sale deed, dated 28.12.1988, registered as document No.1135/1988 as according to him, the sale deed has been fraudulently registered. He has given a complaint on 16.10.2021, with the official respondents, seeking for cancellation of the aforementioned sale deed in the light of the Circular in letter No.41530/U1/2017, dated 08.11.2017, issued by the 1st respondent. Since the complaint has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.N.Pragalathan, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3.

4.On instructions, he would submit that the Seller as well as the Purchaser under the aforementioned sale deed had died and therefore, the official respondents did not have the particulars of the legal heirs of the deceased and therefore, they are not in a position to enquire into the complaint submitted by the petitioner, seeking for cancellation of the sale deed. He would submit that unless and until the petitioner gives the full particulars of the legal heirs of the seller as well as the purchaser, the second respondent will not be in a position to enquire into the complaint and pass final orders, thereupon. The said statement is recorded.

5.The learned counsel appearing for the petitioner submits that the petitioner is willing to give a fresh representation to the official respondents giving full particulars of the legal heirs of the seller as well as the purchaser under the sale deed, dated 28.12.1988, registered as document No.1135/1988 and on receipt of the fresh representation, a direction is sought for by the learned counsel for the petitioner to the second respondent, requesting the second respondent to pass orders on merits and in accordance with law on the fresh representation.

6.No prejudice will be caused to the respondents, if such an exercise is done.

7.Accordingly, this Court directs the petitioner to submit a fresh representation, within a period of two weeks from the date of receipt of a copy of this order, disclosing the particulars of the legal heirs of the deceased seller as well as the purchaser under the sale deed, dated 28.12.1988, registered as document No.1135/1988 and requesting the second respondent to cancel the said sale deed. On receipt of the fresh representation, the second respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the legal heirs of the deceased seller and the purchaser under the sale deed, dated 28.12.1988, registered as document No.1135/1988 and also any other necessary party, whom the second respondent deems fit to enquire, within a period of twelve weeks from the date of receipt of a copy



8. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

WEB COPY

/ /2022

Sub Assistant Registrar (CS)

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 of Registration,
No.100, Santhome High Road,
Chennai - 28.
2. The District Registrar,
The Office of District Registrar,
Muthupattinam,
Karaikudi,
Sivagangai District.
3. The Sub-Registrar,
The Office of Thiruvadanai Sub-Registrar,
Thiruvadanai,
Ramanathapuram District.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-13075[F] dated 18/03/2022)

+1 CC to M/s.SPL GP (SR-13200[F] dated 21/03/2022)

W.P. (MD) No.4847 of 2022
18.03.2022

TM

MS/28.03.2022/3P.6C