



W.P.(MD)No.27709 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.27709 of 2022

and

W.M.P.(MD) No.21820 of 2022

S.Muthaiah

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
Santhome High Road,
Foreshore Estate,
Chennai - 28.

2.The Director of Vigilance and Anti-Corruption,
293, MKN Road,
Alandur,
Chennai - 16.



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3.The Deputy Inspector General of Registration,
Palayamkottai,
Tirunelveli District.

4.Aaron,
Sub Registrar,
Sub Registration Office,
Kayathar,
Thoothukudi District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent to take departmental action against the 4th respondent and thereby pay adequate compensation and litigation expenses to the petitioner.

For Petitioner : Mr.K.Gurunathan

For Respondents : Mr.R.Baskaran,
Additional Advocate General
assisted by
Mr.S.Shanmugavel - for R1 & R3
Additional Government Pleader



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Mr.S.P.Maharajan, - for R2
Special Government Pleader

Dispensed with - R4

ORDER

This Writ Petition has been filed to direct the first respondent to take departmental action against the fourth respondent and thereby pay adequate compensation and litigation expenses to the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner is a senior citizen and he owned property in Survey No.211/3D measuring an extent of 2.55 acres. However, the fourth respondent/Sub Registrar alienating the property as against the private respondent. Earlier, the petitioner had filed an application for cancellation of the document and the document was cancelled. Again, the very same Registrar alienate the property in favour of the third respondent vide document No.2603/2022, dated 20.07.2022. Against which, the petitioner preferred an appeal before the District Registrar, in terms of Section 77A of the Legislation Act.



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However, the fourth respondent intentionally entered into a sale deed against the third parties. For taking disciplinary action against the fourth respondent, the petitioner made representation before the first respondent and the same was not considered. Hence, the present writ petition is filed.

3. However, the learned counsel for the petitioner would submit that this Court may grant liberty to canvas the issue involved in this writ petition before the District Registrar, where the complaint made by the petitioner is pending and this Court may issue a direction to the District Registrar to decide this issue and pass appropriate order.

4. Since no adverse order was passed as against the fourth respondent notice to the fourth respondent is dispensed with.

5. Considering the limited request made by the learned counsel for the petitioner, this Court without expressing any opinion in this matter, inclined to issue a direction to the District Registrar.



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6. The learned counsel for the petitioner submitted that this Court may grant liberty to petitioner to canvass this issue before the District Registrar, where the complaint is pending.

7. The District Registrar is directed to consider the petitioner's grievance expressed in this writ petition along with the earlier complaint against the third party by providing opportunities to the petitioner as well as to the fourth respondent in accordance with law.

8. With the above direction, this writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

08.12.2022

Index : Yes / No
Internet : Yes / No
RM



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M.DHANDAPANI,J.

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