



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13177 of 2012

and

M.P.Nos.1 & 2 of 2012

Tamil Nadu Ex-Servicemen & Pensioners Association
(Regd. No.341/1968)

Rep. by its General Secretary

Mr.R.S.Baskaran

Flat No.406, 4th Floor

Suresh Block, Chitra Avenue

No.9 Choolaimedu High Road

Choolaimedu, Chennai – 600 094.

... Petitioner

Vs.

1.The Secretary to Government

Commercial Taxes and Registration (M1) Department
Secretariat, Chennai 9.

2.The Inspector General of Registration

Registration, Santhome, Chennai 600 028.

3.The District Collector

Kancheepuram District.

4.The District Registrar,

Registration Department,
Chennai Central,
Chennai 600 014.



5. The Revenue Divisional Officer
Tambaram
Kancheepuram District.

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of proceedings of the 5th respondent passed in Na.Ka.851/12/A dated 08.03.2012 and quash the same.

For Petitioner : Mr.C.Mohan Raj

For Respondents : Mr.S.Ravichandran
Additional Government Pleader

ORDER

The writ petition has been filed challenging the order dated 08.03.2012 passed by the Revenue Divisional Officer (RDO), Tambaram.

2. The order impugned is an internal communication sent by the Revenue Divisional Officer (RDO) to the Inspector General of Registration and Joint Registrar and Deputy Registrar of the Registration Department stating that certain fraudulent documents were registered under the Act and applications are made to cancel such fraudulent registration. In respect of the allegations, the Revenue Divisional Officer (RDO) addressed to the Inspector



of Registration and Deputy Registrar to initiate action. Mere communication to initiate an action would not provide any cause for the writ petitioner to file a writ petition. If at all the petitioner / Association claims any interest or right over the subject property or otherwise, they will have to approach the Competent Forum for the purpose of establishing their case.

3. As far as the impugned order is concerned, it is an internal communication sent by the Revenue Divisional Officer to initiate appropriate action with reference to the complaint received by the authorities. This being the factum, the petitioner is at liberty to participate in the proceedings for establishing their right in the manner known to law.

4. If at all the petitioner / Association claims any right in respect of an immovable property, they have to approach the Competent Civil Court for the purpose of establishing their right. Since there is an allegation regarding forged registration of document, the Revenue Divisional Officer has asked the authorities to verify the same.



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5. The learned counsel for the petitioner states that the then Tahsildar was also involved in such illegal activities. If that is the case, the District Revenue Officer in coordination with the Registration Department has to conduct a detailed enquiry with reference to the illegalities and irregularities under the Act and proceed with all appropriate actions.

6. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

31.03.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

- 1.The Secretary to Government
Commercial Taxes and Registration (M1) Department
Secretariat, Chennai 9.
- 2.The Inspector General of Registration
Registration, Santhome, Chennai 600 028.
- 3.The District Collector
Kancheepuram District.



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4.The District Registrar,
Registration Department,
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5.The Revenue Divisional Officer
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S.M.SUBRAMANIAM, J.

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