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W.P.No.3202 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.3202 of 2023

Devaraj

... Petitioner

-Vs-

1. The District Registrar (Administration),
Office of Registration Department,
Namakkal.

2. The Sub-Registrar,
Office of the Registrar,
Kumarapalayam, Namakkal District.

3. S.S.Murugesan

4. Tmt.S.Rukmani

5. Mr.Thirumurugan

6. Tmt.Kavitha

7. Sumathi

8. S.Chellamuthu

9. Mr.Pushparaj

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to complete the proceedings initiated in Na.Ka.No.7735/AA7/22 dated 30.11.2022 under Section 77A of the Registration Act, 1908 within a stipulated time fixed by this Court.



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For Petitioner : Mr.M.Mohamed Riyaz
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader [R1
& R2]

ORDER

The prayer sought for herein is for a writ of mandamus directing the 1st respondent to complete the proceedings initiated in Na.Ka.No.7735/AA7/22 dated 30.11.2022 under Section 77A of the Registration Act, 1908 within a stipulated time fixed by this Court.

2. In respect of the document Nos.4593 of 2006, 584 of 2015 and 3696 of 2015 on the file of the Sub-Registrar, Kumarapalyam, Namakkal District, a complaint had been given by the petitioner to the first respondent against the private respondents to conduct an enquiry and to declare those documents as fraudulent document within the meaning of Section 77-A of the Registration Act, 1908 [in short, 'the Act'].

3. Having entertained the said complaint, the first respondent District Registrar had issued a summon on 30.11.2022 to the private respondents as well as the petitioner and pursuant to the said summon the



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petitioner claimed that he did appear before the first respondent and put forth his case and pursuant to the said summon it seems that only few of the private respondents had appeared and some of them so far has not appeared, with the result, that the enquiry has not been completed and it is pending before the first respondent.

4. Therefore at this juncture, the petitioner has moved the present writ petition seeking writ of mandamus to the first respondent to complete the enquiry within a time frame and pass orders thereon on merits.

5. Reiterating the aforesaid Mr.Mohamed Riyaz, learned counsel appearing for the petitioner seeks indulgence of this Court.

6. Heard Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the official respondents and in view of the order going to be passed in this writ petition notice to the private respondents is hereby dispensed with.

7. Learned Special Government Pleader appearing for the official



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respondents would submit that the said complaint given by the petitioner since already been enquired and if the enquiry is not completed remaining part of the enquiry would be completed at the earliest by hearing the parties concerned and accordingly, a decision would be taken and final orders would be passed by the first respondent within a time frame that may be stipulated by this Court.

8. Considering the said submission made by the learned Special Government Pleader appearing for the official respondents and having regard to the aforesaid facts and circumstance of the case, this Court is inclined to dispose of this writ petition with the following order:

That there shall be a direction to the first respondent to proceed with the enquiry further and complete the same after affording an opportunity of being heard to the petitioner as well as the private respondents at the earliest and pass orders on merits and in accordance with law within a period of eight(8) weeks from the date of receipt of a copy of this order.



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With this direction, this writ petition is disposed of. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
mp
To

1. The District Registrar (Administration),
Office of Registration Department,
Namakkal.
2. The Sub-Registrar,
Office of the Registrar,
Kumarapalayam, Namakkal District.

R. SURESH KUMAR, J.



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