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Writ Petition No.5816 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.5816 of 2023

R.Kumar

S/o.Rammaiah

... Petitioner

-Vs-

1.The Inspector General of Registration,
Santhome High Road,
Chennai - 600 028.

2.The District Registrar (Administration),
District Registrar Office,
Kuralagam,
Chennai - 600 108.

3.The Sub-Registrar,
Sub-Registrar Office,
Tiruvottiyur,
Chennai - 600 019.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to consider the petitioner's petition dated 03.01.2022 and take proper action within a stipulated time.

For Petitioner : Mr.K.Kathiresan

For Respondents : Mr.P.Sathish
Additional Government Pleader



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ORDER

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The prayer sought for herein is for a writ of mandamus directing the second respondent to consider the petitioner's petition dated 03.01.2022 and take proper action within a stipulated time.

2. The petitioner claimed to have purchased a property at Vellivoyalchavadi Village, Tiruvottiyur Sub Registrar Officer in S.No.221/3A by way of a registered sale deed dated 16.04.1998 in document No.1176 of 1998.

3. However, after several years, the vendors' legal heirs had given some power to a third party, based on which, encumbrance has been created, therefore, in order to cancel such document i.e., document No.5350/2021 on the file of the Sub-Registrar, Thiruvottiyur, i.e., third respondent, the petitioner had given a complaint on 03.01.2022 to the second respondent District Registrar, who, even though has conducted some enquiry, so far no order has been passed. Hence, the petitioner seeking a direction to the second respondent to complete the enquiry and pass orders within the meaning of Section 77-A of the Registration Act, 1908, has filed the present writ petition.

4. Reiterating the aforesaid, learned counsel appearing for the



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petitioner seeks indulgence of this Court.

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5. Learned Additional Government Pleader appearing for the respondents would submit that the enquiry is at the hands of the second respondent, who, after hearing the petitioner as well as the person against whom such complaint has been given by the petitioner, would pass orders thereon on merits within a time frame, of-course within the meaning of Section 77-A of the Registration Act, 1908.

6. Considering the said submission made by the learned counsel appearing for both sides, especially the stand taken by the official respondents, this Court is inclined to dispose of this writ petition with the following order:

That there shall be a direction to the second respondent District Registrar to consider the complaint given by the petitioner dated 03.01.2022 and after giving an opportunity of being heard to both the petitioner as well as the persons against whom such complaint was given by the petitioner, pass necessary orders thereon on merits and in accordance with law within a period of eight (8) weeks from the date of receipt of a



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copy of this order.

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With these directions, this writ petition is disposed of. No costs.

27.02.2023

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

To

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Chennai - 600 028.
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R. SURESH KUMAR, J.

mp



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