



WEB COPY

W.P.No.22757 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22757 of 2023 &
W.M.P.No.22219 of 2023

Rangasamy

... Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.

2.The Deputy Inspector General of Registration,
Kumaragiri Bye-Pas Road,
Ammamet,
Salem – 636 014.

3.The District Registrar,
Krishnagiri District,
Krishnagiri – 635 001.

4.The Sub Registrar,
Hosur Taluk,
Krishnagiri District – 636 109.

5.N.Varadharaj

6.V.Padma

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for



issuance of a Writ of Mandamus, directing the 3rd respondent to conduct a diligent and comprehensive enquiry into the matter by considering the representation made by the petitioner dated 27.04.2023 and subsequently cancel the fraudulent Gift Deed dated 09.02.2017 in Doc No 884 / 2017 on the file of the 4th respondent in respect of 0.45 cents in the property at S. No 627 /1 and 0.55 cents in the property at S. No 625 / B2B measuring to an extent of 1. 00 acre situated at Moranapalli Village, Hosur Taluk, Krishnagiri District and remove the above mentioned entries from the encumbrance certificate.

For Petitioner : Mr.M.Mohamed Afridi

For Respondents 1 to 4 : Mr.D.Ravichander,
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the third respondent to conduct a diligent and comprehensive enquiry into the matter by considering the representation made by the petitioner dated 27.04.2023 and subsequently cancel the fraudulent Gift Deed dated 09.02.2017 in Doc No 884 / 2017 on the file of the fourth respondent in respect of 0.45 cents in the property at S. No 627 /1 and 0.55 cents in the property at S. No 625 / B2B measuring to an extent of 1. 00 acre situated at Moranapalli Village, Hosur Taluk, Krishnagiri District and remove the abovementioned entries from the encumbrance certificate.



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2. The issues raised in the present writ petition were adjudicated by this Court in a batch of writ petitions in ***W.P.No.4192 of 2018 [A.Selvam vs. The Sub Registrar, Dadagapatti, Salem District] etc., and batch***, and a judgment was delivered on 15.06.2023. Subsequently, a circular dated 10.06.2023 has been issued by the Inspector General of Registration in Circular No. 01/2023. The relevant paragraphs of the above said judgment are extracted hereunder:

“33. In view of the facts and circumstances, the following orders are passed:

(1) In respect of the complaints pending before the District Registrars concerned and the appeals pending before the respective Appellate Authorities, the Inspector General of Registration shall direct all the authorities to follow Circular No.1/2023 dated 10.06.2023 strictly for the purpose of disposal of the complaints and the appeals in a consistent manner;

(2) The Inspector General of Registration is directed to incorporate the further clarifications as stated in this order and



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issue a fresh Circular within a period of two weeks from the date of receipt of a copy of this order;

(3) The respondents are directed to relegate the parties to approach Civil Court of Law, in the event of disputed facts regarding civil rights exist between the parties.

(4) In the event of violation of the guidelines issued by the Inspector General of Registration or the directions issued by this Court or any other lapses, negligence or dereliction of duty is found while performing the duties by the authorities, departmental disciplinary proceedings are to be initiated under the relevant Service Rules.

(5) The Inspector General of Registration is directed to conduct periodical Reviews as warranted under the Rules of Public Administration.”

3. In view of the fact that the case of the petitioner is also similar to that of the cases (cited *supra*), the case of the petitioner is also to be considered on the same line.



4. Accordingly, this Writ Petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

02.08.2023

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Index : Yes

To

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S.M.SUBRAMANIAM, J.

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