



W.P.No.35221 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.35221 of 2022

T.Rajeev

... Petitioner

-Vs-

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.
2. The District Registrar,
District Registrar's Office,
Collector Office Campus,
Villupuram – 605 602.
3. The Sub-Registrar,
Sub Registrar Office,
Manalurpet Post,
Thirukovilur Taluk,
Kallakurichi District.
4. Mahalakshmi
5. Sangeetha
6. Arunachalam (Minor),
rep.by next friend and Guardian Mother Sangeetha
7. Vaishnavi (Minor), rep.by next friend and Guardian Mother Sangeetha
8. Govarthanan
9. Indira
10. Thambidurai

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India
praying for the issuance of a Writ of Mandamus, directing 2nd and 3rd



W.P.No.35221 of 2022

respondents to conduct an enquiry under Section 68(2) of the Registration Act, 1908 as per the Letter No.41530/U1/2017 dated 08.11.2017 and launch the criminal prosecution against the offenders under Section 83 of the Registration Act, 1908 by considering the representation of the petitioner dated 21.10.2022.

For Petitioners : Ms.R.Vigneswari
for Mr.M.Guruprasad
For Respondents : Mrs.Senthil Selvi
Government Advocate [R1 to R3]

ORDER

The prayer sought for herein is for a writ of mandamus directing 2nd and 3rd respondents to conduct an enquiry under Section 68(2) of the Registration Act, 1908 as per the Letter No.41530/U1/2017 dated 08.11.2017 and launch the criminal prosecution against the offenders under Section 83 of the Registration Act, 1908 by considering the representation of the petitioner dated 21.10.2022.

2. The petitioner had given a complaint to the Inspector General of Registration i.e., first respondent to conduct an enquiry against the Registering Authority under Section 68(2) of the Registration Act, 1908 and to launch prosecution, if any case is made out in this regard. In order to consider the said representation of the petitioner, the present writ petition has been moved.



W.P.No.35221 of 2022

3. Heard Ms.R.Vigneswari, learned counsel appearing for the petitioner and Mrs.N.Senthil Selvi, learned Government Advocate appearing for the respondents 1 to 3.

4. In view of the order going to be passed, notice to the private respondents are hereby dispensed with.

5. Learned Government Advocate appearing for the respondents would submit that the said representation submitted by the petitioner would be considered and decided within the meaning of Section 68(2) of the Registration Act, 1908, after giving notice and after conducting an enquiry on merits and in accordance with law within a time frame that may be stipulated by this Court.

6. Having regard to the said submission made by the learned Government Advocate appearing for the respondents 1 to 3 and taking note of the aforesaid factual matrix 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



W.P.No.35221 of 2022

WEB COPY

conduct an enquiry on the application/representation given by the petitioner dated 21.10.2022 after giving an opportunity of being heard to both the petitioner as well as the private respondents and pass necessary orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

03.01.2023

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

mp



WEB COPY



W.P.No.35221 of 2022

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.
2. The District Registrar,
District Registrar's Office,
Collector Office Campus,
Villupuram – 605 602.
3. The Sub-Registrar,
Sub Registrar Office,
Manalurpet Post,
Thirukovilur Taluk,
Kallakurichi District.



WEB COPY



W.P.No.35221 of 2022

R. SURESH KUMAR, J.

mp

Writ Petition No.35221 of 2022

03.01.2023