



WEB COPY



W.P.No.1174 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.1174 of 2023

and

W.M.P.No.1199 of 2023

Mohammed Haseebullah Khan K

... Petitioner

Vs

1.The Inspector General of Registration,
No.100 Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram, Chennai – 28.

2.The District Registrar,
Sub Registrar Office,
No.182, Bharathi Salai,
Triplicane, Chennai – 14.

3.The Sub Registrar,
In the cadre of District Registrar,
Triplicane SRO,
No.182, Bharathi Salai,
Triplicane, Chennai – 14.

4.K.Gopal

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st and 2nd respondents to conduct enquiry based on the representation dated 17.10.2022 as against the 4th respondent pertaining to the fraudulent registration of documents by 3rd respondent in Doc.No.700/2019 dated



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29.05.2019 on the file of SRO Triplincane/3rd respondent and to pass orders in accordance with in Letter No.20217/U1/2021 dated 09.07.2021 and G.O.No.428/2022 dated 16.08.2022.

For Petitioner : Mrs.A.Ajimath Begum

For Respondents : Mr.Yogesh Kannadasan
Spl. Govt. Pleader for R1 to R3

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondents 1 and 2 to conduct enquiry based on the representation dated 17.10.2022 as against the 4th respondent pertaining to the fraudulent registration of documents by 3rd respondent in Doc.No. 700/2019 dated 29.05.2019 on the file of SRO, Triplincane/3rd respondent and to pass orders in accordance with in Letter No.20217/U1/2021 dated 09.07.2021 and G.O.No.428/2022 dated 16.08.2022.

2. In respect of Document No.700/2019 dated 29.05.2019 on the file of the Sub Registrar, Triplicane SRO, the petitioner had given a complaint dated 17.10.2022 against the 4th respondent and others to cancel the sale deed, which, according to the petitioner, is a fraudulent document having been registered at the concerned Sub Registrar Office.

3. In order to enquire the matter and decide the same at the earliest



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by the 2nd respondent District Registrar seeking a direction, the present writ petition has been filed.

4. Heard Mrs.A.Ajimath Begum, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the official respondents. In view of the order going to be passed in this writ petition, notice to the 4th respondent is hereby dispensed with.

5. The learned Special Government Pleader for the official respondents would submit that, since it is a complaint made under Section 77-A of the Registration Act by the petitioner against the 4th respondent and others pertaining to the document in question, the said complaint would be entertained and after enquiring the matter, it would be decided on merits and in accordance with law, after giving notice to both sides, within a time frame that may be stipulated by this Court.

6. Considering the said submission made by the learned Special Government Pleader appearing for the official respondents and having taken note of the aforesaid factual matrix, as projected by the petitioner



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side, this Court is inclined to dispose of this writ petition with the following orders:

There shall be a direction to the 2nd respondent to consider the complaint given by the petitioner dated 17.10.2022 and pass orders thereon on merits and in accordance with law after conducting enquiry by giving opportunity of being heard to both the petitioner as well as the private respondents and any other persons having claim over the property and pass orders thereon on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7. With this direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Speaking Order : Yes/No

Sgl



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R.SURESH KUMAR, J.

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