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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.2956 of 2023
and
W.M.P.(MD)No.2742 of 2023

K.Natarajan

... Petitioner

vs.

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

2.The District Registrar, Tiruchirapalli.

3.The Sub Registrar,
Thiruverambur, Tiruchirapalli District.

4.Thulasidos K.Patel

5.Kunal Shah

6.Vineet M.Patel

7.Sneha Mohan Patel

8.Malliga H Patel

9.Poornima M Patel

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the Respondents 1 to 3 herein to consider the representation, dated 06.02.2023 and forthwith cancel the documents under Doc.Nos.16 of 2022, 95 of 2022, 5991 of



2022, 6007 of 2022 and 7395 of 2022 on the file of the Sub Registrar,
Thiruverumbur.

For Petitioner	:Ms.AL.Gandhimathi Senior Counsel for Mr.C.Mahadevan
For R1 to R3	:Mr.M.Prakash Additional Government Pleader
For R4	:Mr.R.Gandhi Senior Counsel for M/s.Gandhi Associates
For R5	:Notice “refused”
For R6 to R9	:Notice returned “unclaimed” *****

ORDER

This Writ Petition had been filed by K.Natarajan, son of R.K.Kandasamy in the nature of a Mandamus seeking consideration of a representation, dated 06.02.2023 and to cancel documents registered as Doc.Nos.16 of 2022, 95 of 2022, 5991 of 2022, 6007 of 2022 and 7395 of 2022 on the file of the Sub Registrar, Thiruverumbur.

2.Heard Ms.AL.Gandhimathi, learned Senior Counsel for the petitioner, Mr.M.Prakash, learned Additional Government Pleader for the first, second and third respondents and Mr.R.Gandhi, learned Senior Counsel for the fourth respondent.



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3.This Court initially had hesitated to take up the Writ Petition, since quite apart from the registration authorities, who have been impleaded as first to third respondents, the fourth to ninth respondents are private individuals.

4.M/s.Gandhi Associates had entered appearance on behalf of the fourth respondent.

5.A perusal of the notices sent to the other private individuals revealed that notice to fifth to ninth respondents had been returned. The fifth respondent had actually refused to receive the notice. The sixth to ninth respondents had not claimed the notice though intimated. Intimation had been given about the notice issued under the directions of the Court. But they had taken a conscious decision not to receive the said notices and not to claim the said notice. The fifth respondent had gone a further step and had refused to receive the notice. When that be the case, I hold this Court need not wait for their appearance. They had been given necessary opportunity to appear before this Court. They had taken



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a conscious decision either to refuse to receive the notice or to let them remain in the post office and not to claim them, though intimation had been given. The records are available. I find no reason to question the *bona fide* of the endorsements made by the postal authorities.

6.As a matter of fact, it is seen that with respect to the notices returned as unclaimed, two intimations on two separate dates had been given. The dates are also mentioned in the returned causes. When the said respondents had taken a decision not to appear before Court, then they would have to suffer an order.

7.The Writ Petition has been filed in the nature of a Mandamus seeking examination of a representation given by the petitioner herein on 06.02.2023. In the said representation, the petitioner had sought that the documents mentioned therein should be cancelled consequent to them being registered owing to impersonation. This is an issue which can be examined only by the second respondent/District Registrar, Trichy.

8.A direction is given to the second respondent to issue notice to



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the petitioner herein and also issue notice to the fourth to ninth respondents in the Writ Petition and give them an opportunity of making effective representation, examine the records, examine the orders passed by this Court and thereafter, take a decision with respect to the representation given. The entire exercise may be completed within a period of six weeks from the date of receipt of a copy of this order.

9.The Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes
NCC : Yes/No

21.06.2023
(3/3)

cmr

To

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

2.The District Registrar, Tiruchirapalli.

3.The Sub Registrar,
Thiruverambur, Tiruchirapalli District.

5/6



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.2956 of 2023

21.06.2023
(3/3)