



W.P. (MD).No.17066 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.17066 of 2021
and WMP(MD)No.18932 of 2021

T.Murugeswari

... Petitioner

Vs

1. The Inspector General of Registration,
O/o. the Inspector General of Registration,
Chennai.

2. The District Registrar,
Office of the District Registrar,
Periyakulam, Theni District.

3. C.Chinnaramar

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondent No.2 to conduct enquiry upon the representation of the Petitioner, dated 06.09.2021 and initiate suitable action against the Respondent No.3 in the light of the Circular in Letter No. 41530/U1/2017, dated 08.11.2017 issued by the Respondent No.1 within the time period stipulated by this Court.



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For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.R.Ragavendran (R1 & R2)
Government Advocate

ORDER

This writ petition has been filed for the issue of a writ of mandamus, directing the second respondent to conduct enquiry based on the representation made by the petitioner on 06.09.2021, wherein, the petitioner is seeking for initiation of action against the third respondent.

2.The case of the petitioner is that he belongs to Scheduled Caste Community and the assignment was made in favour of his father, with respect to subject property and they were in possession and enjoyment of the property. On verifying the Encumbrance Certificate, it came to light that the third respondent had fraudulently registered a sale deed, dated 12.09.2001 with respect to the same property and the property was sold in favour of one R.Senrayan. It is under these circumstances, the petitioner had given a representation to the second respondent to conduct enquiry and to take action. Since the same was not considered, the present writ petition has been filed before this Court.



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3. When the matter was taken up for hearing, the learned Government Advocate appearing for the first and second respondents submitted that the representation made by the petitioner was acted upon and the second respondent had issued notice to the petitioner on 09.06.2022 to appear for enquiry, with all the relevant documents. Since there was no co-operation on the side of the petitioner, no further action was taken.

4. The learned counsel for the petitioner submitted that the petitioner will co-operate for the enquiry and requested this Court to fix a time limit to complete the enquiry.

5. Taking into consideration the facts and circumstances made on either side, there shall be a direction to the second respondent to proceed further with the enquiry by affording opportunity to the petitioner and the third respondent and pass final orders on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of copy of this order.



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6.This writ petition stands disposed of with the above directions. No costs. By virtue of order passed in W.P(MD)No.17066 of 2021, WMP(MD)No.18932 of 2021 is closed.

08.11.2023

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

To

1. The Inspector General of Registration,
O/o. the Inspector General of Registration,
Chennai.
2. The District Registrar,
Office of the District Registrar,
Periyakulam, Theni District.



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N.ANAND VENKATESH, J.

PNM

ORDER IN
W.P. (MD).No.17066 of 2021
and WMP(MD)No.18932 of 2021

08.11.2023