



W.P(MD)No.19860 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19860 of 2022

and

W.M.P(MD)No.14455 of 2022

S.Kalyana Raman

... Petitioner

Vs

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

2.The Deputy Inspector General of Registration,
Integrated Complex of Registration Department,
Near District Collector Office,
Tamil University Post,
Thanjavur – 613 010.

3.The District Registrar (Administration),
Thanjavur,
Thanjavur District.

4.Ramalingam

5.R.Varadharajan

6.M.Dhiraviyapandian

7.Palavesamuthu

8.R.Sakthivel

9.K.Kamalam

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent in his proceedings Mu.Mu.No. 415 / Aa1 / 2019 dated 28.06.2019 and quash the same as illegal, arbitrary and consequently directing the third respondent to conduct enquiry afresh after putting all the necessary parties on notice and after considering all the relevant documents.

For Petitioner : Mr.B.Saravanan
Senior Counsel
for Mr.D.Kirubakaran

For Respondents : Mr.N.Satheeskumar
Additional Government Pleader
for R.1 to R.3

Mr.D.Balamurugapandi for R.6

Notice Dispensed With
for R.4, R.5, R.7 to R.9

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the sixth respondent. Considering the nature of relief to be granted, issuance of notice to the other respondents is dispensed with.



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2.The petitioner alleges that the registration of the petition mentioned documents (Numbering 13) is vitiated by fraud. The disputed documents trace the title to Document No.390 of 1965 on the file of the Sub Registrar, Sowkarpet dated 10.06.1965. The third respondent enquired into the petitioner's complaint but relegated him to go before the jurisdictional civil Court. This order dated 28.06.2019 passed by the third respondent is put to challenge in this writ petition.

3.During the intervening period, the petitioner has obtained Letter No.78 of 2022 dated 29.03.2022 from Sub Registrar, Sowkarpet to the effect that the said document bearing Document No.390 of 1965 is in a brittle and fragile condition and that certified copy cannot be issued. But on verification of the thumb register, it became known that the document was registered in the name of one A.Ramanujulu. The authenticity of this communication has been confirmed before this Court. The petitioner can very well take advantage of this subsequent development. The second respondent is obliged to take note of the same. The petitioner is given liberty to file an appeal before the second respondent questioning the impugned order dated 28.06.2019. If such an appeal is filed within three weeks from the date of receipt of a copy of this order, the second respondent will entertain the same without reference to limitation. The second respondent will issue notice not only to the sixth



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respondent herein but also to other interested parties. The petitioner in his appeal memorandum shall implead all the interested parties. The second respondent will also independently verify the Document No.390 of 1965 on the file of Sub Registrar Office, Sowkarpeta. The second respondent shall endeavor to conclude the enquiry on merits and in accordance with law within a period of six months. All the contentions of the writ petitioner are left open. Likewise the defenses of the sixth respondent are left open. The petitioner is permitted to file the interim application before the second respondent. If the second respondent is satisfied with the *prima facie* case of the petitioner, he can pass an interim order restraining the registration of documents pertaining to the petition mentioned property.

4.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.02.2023

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

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



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2.The Deputy Inspector General of Registration,
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3.The District Registrar (Administration),
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G.R.SWAMINATHAN, J.

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