



W.P(MD)No.28457 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2023

CORAM

THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.28457 of 2022

A.Shanmugam

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhom High Road,
Chennai-28.

2.The District Registrar (Administration),
Ramanathapuram District,
Ramanathapuram.

3.The Sub Registrar,
Kadaladi Sub Registrar's Office,
Kadaladi,
Ramanathapuram District.

4.Shanmugam
5.Periya Karuppan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents Nos.1 to 3 to conduct an enquiry as per circular of the Inspector General of Registration, Chennai in Letter No.24819/C1/2021, 14/9/22 and consequently, to remove all the entries in encumbrance in respect of Document Nos.87 of 2006, dated 22.02.2006 and its further transaction in respect of S.F.Nos.237/3 for an extent



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of 2 acres situated at Melaselvanoor Revenue Village, Kadaladi Taluk, Ramanathapuram District by consider the petitioner's representation, dated 08.06.2022.

For Petitioner : Mr.K.Arunraj

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

ORDER

Heard the learned Counsel for the petitioner and the learned Additional Government Pleader for the official respondents.

2. The petitioner is aggrieved by the execution and registration of the petition mentioned document, dated 22.02.2006. The case of the petitioner is that making use of the similarity in name, the executant of the offending document proceeded in the matter. During the relevant time there was no provision or circular analogous to Section 77-A of the Registration Act. The second respondent cannot be called upon to enquire into a matter that is more than 16 years old. The cause of action took place 16 years ago. As rightly contended by the learned Additional Government Pleader, the issue calls for effective adjudication. It is only the jurisdictional civil Court that can go into the issue. Even while declining to grant the relief sought for, I permit the petitioner to move the jurisdictional civil Court for appropriate relief. With this



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liberty to the writ petitioner, the writ petition stands disposed of. There shall be
no order as to costs.

10.01.2023

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

To

- 1.The Inspector General of Registration,
No.100, Santhom High Road,
Chennai-28.
- 2.The District Registrar (Administration),
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Ramanathapuram.
- 3.The Sub Registrar,
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G.R.SWAMINATHAN, J.

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