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W.P.No.15646 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.15646 of 2024

Hemalatha

.. Petitioner

Versus

1. The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalai Puram,
Chennai - 600 028.
 2. The District Registrar (Central Chennai),
No.268, Bharathi Salai,
Royapettah,
Chennai - 600 014.
 3. The Sub-Registrar,
Office of the Periyamet Sub Registrar,
Chennai.
- .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus directing the 1st and 2nd respondents to take department action against the 3rd respondent by considering the petitioner's representation, dated 22.04.2024, within a time as may be fixed by this Court.

For Petitioner : Mr.K.V.Muthu Visakan

For Respondents : Mr.P.Ganesan,
Government Advocate



W.P.No.15646 of 2024

WEB COPY

ORDER

The petitioner prays for a relief to consider her representation, dated 22.04.2024 within such time as may be fixed by this Court. In the said representation, the petitioner seeks disciplinary action against the Sub-Registrar, Periyamet, the third respondent herein.

2. It is the case of the petitioner that in the pending litigation between the petitioner and her brother, there is an order of interim injunction passed by the Civil Court restraining the petitioner's brother not to create any further encumbrance in respect of the property. The petitioner has already filed a protest petition duly intimating the interim order of the Civil court. In spite of the same, the third respondent Sub-Registrar permitted the petitioner's brother to register further settlement deeds and enabled him to violate the order of the Civil Court. Further, sale deeds were also presented. Once a protest petition is filed, according to the petitioner, the third respondent ought to have looked into the same and ought to have called the petitioner for an enquiry. The action of the third respondent amounts to misconduct.



W.P.No.15646 of 2024

WEB COPY

3. As far as the violation of the injunction order is concerned, it can be seen that the injunction is not passed against the Sub-Registrar to the petitioner but against the individuals. If the same is violated, then it will be open for the petitioner to approach the appropriate Court by way of appropriate Contempt proceedings. As far as the third respondent is concerned, the petitioner is alleging misconduct and seeking to take disciplinary action.

4. Taking disciplinary action is within the domain of the employer. When the petitioner has made a representation, it is for the respondents to consider the same on its own merits. In the instant case, by producing the written instructions, the learned Government Advocate submits that the petitioner's representation was not accompanied by the relevant documents. If the petitioner makes representation with all relevant documents, then the same will be considered in accordance with law.

5. Recording the same, this Wit Petition is disposed of. There shall be no order as to costs.

18.06.2024



W.P.No.15646 of 2024

Neutral Citation : no

grs

To

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D.BHARATHA CHAKRAVARTHY, J.

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