



W.P.No.427 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.427 of 2024

V.Sampath

... Petitioner

versus

1. Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram,
Chennai – 600 028.

2. The District Registrar,
M.V.Street, Veeraragava Nagar,
Poondi Road, Thiruvallur,
Chennai – 602 001.

3. The Sub-Registrar,
Modern City, Avadi,
Chennai – 600 072.

... Respondents



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Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to consider the representation dated 09.10.2023 and take action against the third respondent.

For Petitioner : Mr.Vigneshwar Elango
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed seeking for issuance of a writ of mandamus, directing the first respondent to consider the representation of the petitioner dated 09.10.2023 and take action against the third respondent.

2. The case of the petitioner is that originally the land comprised in Old S.No.304/2, as per Patta No.552 comprised in New S.No.304/1A1, measuring an extent of Acre 2.02 cents in Vellaanoor, Thiruvallur District was under the peaceful possession and enjoyment of the legal heirs



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(V.Krishnan, V.Natesan, V.Muthaiya and V.Venu) of one Late Veerasamy

Naicker. While so, the legal heirs of Late Veerasamy Naicker, along with their children, had appointed one P.Ramadass as their Power of Attorney in respect of the aforesaid property, thereby, he had sold various extents of the property to the third parties and the subject property measuring an extent of 0.80 cents in S.No.304/1A1 remained unsold. Further, the petitioner is the son of one V.Venu, who is one of the co-sharers in respect of the aforementioned property. While that being so, the said P.Ramadass as Power of Attorney of one Kishtappa Naicker and 16 others had entered into an agreement of sale dated 05.12.2003 to convey the subject property in favour of the petitioner for a sale consideration. Subsequently, the said P.Ramadass, died on 24.09.2022, and the legal heirs of V.Krishnan, V.Natesan, V.Muthaiya were trying to sell the subject property to the third parties. Hence, the petitioner made an objection dated 25.05.2023 before the third respondent not to register any document or create third party interest in



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respect of the subject property. Despite the objection made by the petitioner, the third respondent permitted the legal heirs of V.Krishnan, V.Natesan, V.Muthaiya to execute the release deeds, without giving notice to the petitioner. Hence, the petitioner had given a representation dated 09.10.2023 to respondents 1 and 2, seeking to take action against the third respondent. Since there was no response from respondents 1 and 2, the present writ petition has been filed.

3. Learned Special Government Pleader appearing for the respondents, by referring to the counter affidavit, reiterated paragraph No.7 and the same is extracted hereunder :

" 7.It is further submitted that in this regard, the Inspector General of Registration (1st Respondent herein) in their letter No.38005/R3/2023 dated 19.10.2023 has directed the District Registrar (Administration),



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Thiruvallur (this 2nd respondent) to conduct a detailed enquiry into the complaint dated 09.10.2023 given by the petitioner, get deposition from the registering officer and the complainant and to send the final enquiry report to his office. Pursuant to the above direction, this 2nd respondent has sent letter dated 11.12.2023 to the Sub-Registrar, Avadi seeking his explanation. Then in letter dated 19.01.2024, the 2nd respondent once again instructed the Sub-Registrar to send the report immediately. Thereafter, the Sub-Registrar, Avadi has submitted the explanation of the registering officer vide letter dated 22.01.2024 to this office. Also, it is submitted that the 2nd respondent invited the petitioner to attend to the personal hearing posted on 05.02.2024. After hearing the petitioner, this 2nd respondent has to submit his enquiry report to the Inspector General of Registration in this regard. It is also submitted that after examining that enquiry report, if any violation is noticed on the part of registering officer, necessary action will be initiated against him. In as much as the action has been initiated by the 1st respondent upon the representation of



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*the petitioner's petition dated on 09.10.2023, it is submitted
that nothing survives in this writ petition."*

4. From the above extract of the counter, it is clear that the first respondent has already initiated action and directed the second respondent to submit a detailed report. Since the representation has evoked response from the respondents, the writ petition is dismissed. However, there shall be no order as to costs.

12.02.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

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P.VELMURUGAN, J.

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