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W.P.(MD) No.7436 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.7436 of 2019

Chidambaram

... Petitioner

-VS-

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

2.The Deputy Inspector General
of Registration
Registration Office
Rajakambeeram
Othakadai
Madurai District

3.The District Registrar
District Registrar Office
Thirupathur Road
Sivagangai-630 561

4.P.Senthil Rajan

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to dispose petitioner's representation dated 20.08.2018 and the subsequent representation dated 16.02.2019 in the light of the Circular issued by the first respondent *vide* proceedings in Letter No.41530/U1/2017 dated 08.11.2017 for initiating appropriate departmental action against the fourth respondent, within a stipulated time.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader for R1 to R3
Mr.D.Malaichamy for R4

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the official respondents to dispose the petitioner's representation dated 20.08.2018 and the subsequent representation dated 16.02.2019 for initiating appropriate departmental action against the fourth respondent.



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2. While discharging his duties as Sub Registrar in the Sub Registrar Office at Madhagupatti, Sivavangai District, the fourth respondent had registered a document, which according to the petitioner is not proper. According to the petitioner, having refused to register the document presented by him for registration, the fourth respondent ought not to have permitted registration of the document subsequently, since the subject property belongs to the petitioner. Under those circumstances, the petitioner has given the aforesaid representations to the official respondents seeking to take departmental action against the fourth respondent.

3. A counter affidavit has also been filed by the fourth respondent denying the contentions of the petitioner. The fourth respondent has stated, in the counter affidavit, that he has retired from service subsequent to the filing of this writ petition on 31.10.2019.

4. Learned Special Government Pleader appearing for the official respondents has cited a decision of the Honourable Supreme Court in the case of **Rajnit Prasad vs. Union of India and others**, reported in **2000 (9) SCC 313** and would submit that a third party cannot direct the official respondents



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to initiate departmental action against the employee concerned, as disciplinary proceedings are essentially a matter between the employer and the employee.

5. Admittedly, in the case on hand, the fourth respondent has been allowed to retire from service on his superannuation by the official respondents. He was superannuated on 31.10.2019. Admittedly, civil suits are pending in respect of the subject property, which is the subject matter of the document registered by the fourth respondent. Further, there are rival claimants to the very same subject property. The issue as to whether the fourth respondent had deliberately permitted registration of the document, which is detrimental to the interest of the petitioner, cannot be decided in this writ petition filed under Article 226 of the Constitution of India, when admittedly, civil suits are pending between the rival claimants over the very same subject property.

6. For the foregoing reasons, this Court is of the considered view that the relief sought for in this writ petition cannot be granted.



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7. In the result, there is no merit in this writ petition.

Accordingly, this writ petition is dismissed. No costs.

26.09.2024

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

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To:

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai-600 028.
- 2.The Deputy Inspector General
of Registration,
Registration Office,
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- 3.The District Registrar,
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ABDUL QUDDHOSE, J.

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