

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.05.2015

C O R A M

THE HONOURABLE MR.JUSTICE R. SUBBIAH

W.P.No.14775 of 2015

1. N. Thavamani
2. N. Kalaivani
- 3.N. Kalaichelvi
- 4.N. Karthikeyan
- 5.N. Duraisamy

...Petitioners

Vs.

- 1.The Inspector General of Registration
Santhome,
Mylapore, Chennai-4.
- 2.Deputy Inspector of Registration,
Cuddalore District,
Cuddalore.
- 3.The Sub Registrar,
Ulundurpet,
Villupuram District.
- 4.The Tahsildar,
Ulundurpet Taluk,
Ulundurpet.
- 5.The District Surveyor,
Office of the Collectorate,
Villupuram District,
Villupuram.

6. Kulanthaivel Udayar
7. Gururaj
- 8.Deiveega Rajan
9. Sarada Devi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 to rectify the sale deed as "Virudhachalam R D, Ulundurpet Sub-D, U.Keeranur Village Ayan Dry S.No.456/- within 3.96 on the south, within 1.32 to the west of Virudhachalam Road, to the East North and South of the vendor's Land, within this 0.20 cents" and to issue a fresh copy of rectified sale deed Document

No.427/2004, dated 05.03.2004 within time frame.

For Petitioners : Ms. K.Jenitha
For RR1 to RR5 : Mr. P. Sanjay Gandhi
Additional Government Pleader

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O R D E R

This petition is filed for issuance of a writ of mandamus directing the respondents 1 to 3 to rectify the sale deed as "Virudhachalam R D, Ulundurpet Sub-D, U. Keeranur Village Ayan Dry S.No.456/- within 3.96 on the south, within 1.32 to the west of Virudhachalam Road, to the East North and South of the vendor's Land, within this 0.20 cents" and to issue a fresh copy of rectified sale deed Document No.427/2004, dated 05.03.2004 within a time frame.

2. The case of the petitioner is that the first petitioner is the mother of the petitioners 2 to 5. They are the native of Neelamangalam Village, Kallakurich Taluk, Villupuram District. The first petitioner's husband viz., D.Nataraja Udayar was an agriculturist and he died on 20.04.2008 leaving behind the petitioners 1 to 5 as his legal representatives. On 05.03.2004, the first petitioner's husband purchased the property from one Kulanthaivel Udayar and his two sons and a daughter, who are the respondents 6 to 9 herein. After the purchase of the property, the possession of the property was delivered to the first petitioner's husband by the Vendors viz., respondents 6 to 9 herein and the petitioners are in possession of the said property. While so, a notice under Section 47-A of the Registration Act was issued by the Registering Authority calling upon the first petitioner's husband to pay deficit stamp duty of Rs.77,724/- and on appeal filed by the first petitioner's husband to the first respondent, the amount was reduced. The deficit stamp duty was paid by the petitioners and original Sale Deed was released after registration and by that time, the first petitioner's husband died on 20.04.2008.

3. It is the further case of the petitioner that there are some corrections and interpolations in the schedule of the property in the Sale Deed given to the petitioners and forgery has been committed in the Sale Deed given to them by the office of the Sub-Registrar at Ulundurpet. The value of the property covered under the Sale Deed has been considerably reduced. Hence, they have given two representations one on 06.08.2014 and another on 28.11.2014. But the said representations have not been considered so far. Hence, the petitioners have come forward with the present writ petition seeking for a positive direction to the respondents 1 to 3 for rectification of Sale Deed.

4. Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents 1 to 5 and perused the materials available on record.

5. In my considered opinion, such positive direction cannot be given to the respondents 1 to 3. However, the third respondent is directed to consider the said representations dated 06.08.2014 and 28.11.2014 and pass appropriate orders, strictly on merits, preferably within a period of six weeks from the date of receipt of copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

gv/Jrl

To

1.The Inspector General of Registration
Santhome,
Mylapore, Chennai-4.

2.Deputy Inspector of Registration,
Cuddalore District,
Cuddalore.

3.The Sub Registrar,
Ulundurpet,
Villupuram District.

4.The Tahsildar,
Ulundurpet Taluk,
Ulundurpet.

5.The District Surveyor,
Office of the Collectorate,
Villupuram District,
Villupuram.

+2 cc to M/S.K.Jenitha Advocate sr.25244

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