

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.21677 of 2015

K.Selvi

.. Petitioner

vs

1.Inspector General of Registration
Inspector General of Registration Office
No.100, Santhome High Road
Chennai 28

2.Deputy Inspector General of
Registration
Deputy Inspector General of
Registration Office
Room No.312, District Collector Office
Salem 1

3.District Registrar East
Office of District Registrar East
Ramasundaram Street, Salem 1.

4.Saraswati

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the third respondent to hear and dispose of the complaint given by the petitioner dated 11.6.2015, as contemplated in Circular No.67 dated 3.11.2011, issued by the first respondent within a time frame.

For Petitioner : Mrs.Chitra Sampath
Senior Counsel
for Mr.T.S.Baskaran

For Respondents : Mr.R.Govindasamy
Additional Government Pleader
for RR1 to 3

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that her uncle by name Perumal Konar, owned large extent of land in Sarcar Vazhappadi Village, and he executed a registered Will dated 14.4.1980, bequeathing his properties in favour of his brothers-in-law viz. Venkataraj, Chinraj and Shanmughasundaram - the husband of the petitioner, and the Will came into effect on the death of Perumal Konar and therefore, the beneficiaries thereunder had become absolute owners of the properties, and the brothers-in-law of the petitioner viz. Venkataraj and Chinraj, died unmarried and consequently, the properties owned by them, also devolved on the petitioner's husband and his sister viz. Rajamanickam.

3.The petitioner would further state that her husband in turn, executed a Will dated 17.8.2005, bequeathing the properties in favour of the petitioner and his sister, and the petitioner is entitled to 66.67% share of lands and the sister-in-law is entitled to 33.33% share, and the husband of the petitioner died on 24.8.2005, and taking advantage of the fact that the petitioner, due to her employment, is living away from Vazhappadi Village, the fourth respondent claiming to be the wife of the petitioner's husband, fraudulently obtained a legal heir certificate in her favour, with the connivance of the Revenue Officials and the petitioner, in this regard, has submitted an application dated 11.6.2012, to the first respondent to conduct an enquiry in terms of Circular No.67 dated 3.11.2011, issued by the first respondent, and though it was received and acknowledged, no response is forthcoming and hence, she came forward to file this writ petition.

4.Heard the submissions of Mrs.Chitra Sampath, learned Senior Counsel appearing for the petitioner, and Mr.R.Govindasamy, learned Additional Government Pleader, who accepted notice on behalf of the respondents 1 to 3.

5.This Court, taking into consideration the limited scope of prayer sought for by the petitioner, and without going into the merits of the claim projected by her, directs the third respondent to consider and dispose of the petitioner's application/representation dated 11.6.2015, in accordance with law, after putting on notice, the fourth respondent, within a period of six weeks from the date of receipt of a copy of this order, and communicate the decision taken, to the petitioner as well as to the fourth respondent. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

nsv

To:

- 1.The Inspector General of Registration
Inspector General of Registration Office
No.100, Santhome High Road
Chennai 28
- 2.The Deputy Inspector General of
Registration
Deputy Inspector General of
Registration Office
Room No.312, District Collector Office
Salem 1
- 3.The District Registrar East
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Ramasundaram Street, Salem 1.

+1 cc to Mr.T.S.Baskaran, Advocate sr.36964

+1 cc to Government Pleader sr.37023/15

W.P.No.21677 of 2015

aa04/08/2015