

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2015

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THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No.5514 of 2015

1 Mr. A.Robert
2 Mr. A.Michael ... Petitioners

Vs

1 The Government of Tamil Nadu
Represented by its Secretary
Revenue Department
Fort St. George Chennai-9.

2 The Inspector General of
Registration No.100
Santhome High Road
Pattinapakkam Chennai-28.

3 The District Registrar
North Chennai
George Town Chennai.

4 The Sub-Registrar
Sembium Sub-Registrar Office
Perambur Chennai.

5 The Sub-Registrar
Madhavaram Sub-Registrar Office
Madhavaram Chennai.

6 Tmt. G.Minnal

7 Selvi. G.Regina

8 Mr. G.Isaivanan

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 1st to 5th respondent to take appropriate action in accordance with Circular No.67 dated 03.11.2011 issued by the 2nd respondent on the fraudulent Settlement Deeds executed by the 6th respondent to and in favour of the 7th and 8th respondents based on the representation on the petitioners dated 06.10.2014 and 12.02.2015 respectively.

For Petitioners

: Mr.K.Raja

For Respondents

: Mr.P.Sanjay

Gandhi, Addl. Govt. Pleader

for RR.1 to 5

Mr.Ashok Menon for RR.6 to 8

O R D E R

The petitioner has come forward to file this writ petition with the grievance that settlement deeds have been executed fraudulently by the private respondents without title, being the tenants of the petitioners. The claim of the petitioners is based upon assignment deed said to have been executed in favour of their mother.

2. Learned counsel for the petitioners submitted that there is absolutely no reference to the title in favour of the private respondents. The documents merely states about the prolonged possession. Therefore, as per circular No.67 dated 3.11.2011 issued by the 2nd respondent, enquiry has to be conducted.

3. Learned counsel appearing for private respondents submitted that a civil dispute cannot be adjudicated either by this Court or by the official respondents. Therefore, no interference is required. The same view has also been taken by the respondent No.5.

4. As per the circular No.67 dated 3.11.2011 issued by the 2nd respondent, respondent No.5 is not the competent authority. It is only the 3rd respondent, who is the competent authority. The question as to whether there is any assignment deed in favour of the petitioners' mother and if so how the private respondents have got title is a matter to be decided by the 3rd respondent. Therefore, without going into the merits of the case, the 3rd respondent is hereby directed to conduct enquiry as per Circular No.67 dated 3.11.2011 within a period of eight weeks from the date of receipt of copy of this order, after affording an opportunity of hearing to the parties concerned. It is also made clear that all the issues, both on facts and law, are left open to be decided by the 3rd respondent.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary, Revenue
Department, Government of Tamil Nadu
Fort St. George Chennai-9.
- 2 The Inspector General of
Registration No.100 Santhome High Road
Pattinapakkam Chennai-28.
- 3 The District Registrar
North Chennai George Town Chennai.
- 4 The Sub-Registrar
Sembium Sub-Registrar Office Perambur
Chennai.
- 5 The Sub-Registrar
Madhavaram Sub-Registrar Office Madhavaram
Chennai.

+1cc to Mr.K. Raja, Advocate, S.R.No.62113
+2ccs to Mr.Ashok Menon, Advocate, S.R.No.62382

RV(CO)
EU(25/11/2015)

W.P.No.5514 of 2015

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