

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.10940 of 2016

and

W.M.P.No.9530 of 2016

M.Uthaman

.. Petitioner

Vs.

1. The Inspector General of Registration,
Santhome, Chennai-600 004.
2. The District Registrar,
Thiruvallur-Office of the District Registration,
Thiruvallur District.
3. The Sub-Registrar,
Arani, Thiruvallur District.
4. U.Pandian
5. U.Pargunan
6. U.Parthiban
7. U.Loganathan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first to third respondents to hold enquiry with the fourth to seventh respondents in the presence of petitioner on the fraudulent documents No.344 of 2015, dated 23.01.2015, document No.6302 of 2015, dated 12.11.2015, registered before the third respondent and consequently direct the second respondent to cancel fraudulent documents by taking suitable action on the fourth to seventh respondents as per the Registration Act.

For Petitioner : Mr.B.Chandran

For Respondents : Mr.M.Dig Vijay Pandian,
Addl.Govt.Pleader for RR-1 to 3

ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the first to third respondents to hold enquiry with the fourth to seventh respondents in the presence of petitioner on the fraudulent documents in document No.344 of 2015, dated 23.01.2015 and document No.6302 of 2015, dated 12.11.2015, registered before the third respondent and consequently direct the second respondent to cancel the fraudulent documents by taking suitable action on the fourth to seventh respondents as per the Registration Act.

2. The petitioner who is a senior citizen, is living with four sons (respondents 4 to 7) and with two daughters. He is having properties situated at No.61, Vannarakuppam, Arani Thiruvallur District in respect of Survey Nos.196/1, 205/1B, 206/2201/21, 9/1B, 9/2A2 and 210/17, totally 1.83 cents, which are still under the petitioner's control, custody, possession and enjoyment. The fourth respondent, along with respondents 5 and 6, executed settlement deed, dated 23.01.2015 in Document No.344 of 2015 registered before the third respondent as if the petitioner is settling entire property to them in their favour without even giving any share to the petitioner's two daughters. The petitioner was taken to the office of the third respondent as if they wanted to sign him as witness and so, he signed without knowing anything of the content of the settlement deed so created and forged by cheating the petitioner. It is further stated by the petitioner that the seventh respondent executed settlement deed, dated 12.11.2015 in document No.6302 of 2015 registered before the third respondent and no such settlement deed was executed by the petitioner knowingly. It is the grievance of the petitioner that respondents 3 to 7 cheated the petitioner and he was made to sign as a witness, but actually the petitioner did not execute any settlement deed, by not giving share to the petitioner's daughters. In the above background, the petitioner relies on Circular No.67, dated 03.11.2011, issued by the first respondent, wherein, certain instructions have been given to deal with the fraudulent documents. The petitioner made a detailed representation, dated 16.03.2016 to the respondents 2 and 3 for cancellation of the above said fraudulent documents, for taking action against the respondents 4 to 7 as per the Registration Act, to conduct enquiry and proceed against them. Since no action is taken, the petitioner has filed the Writ Petition for the above relief.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

4. Though this Court is not inclined to give positive direction as sought for by the petitioner, taking into consideration the facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents 1 to 3 to consider the said representation, dated 16.03.2016 of the petitioner, as per Circular No.67, dated 03.11.2011, issued by the first respondent-Inspector General of Registration, conduct enquiry, give an opportunity of personal hearing to the petitioner and necessary parties, including the respondents 4 to 7 and thereafter pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondents 1 to 3 to decide the same.

5. With the above observations and directions, the Writ Petition is disposed of. No costs. W.M.P. is closed.

cs

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

Copy to

1. The Inspector General of Registration,
Santhome, Chennai-600 004.
2. The District Registrar,
Thiruvallur-Office of the District Registration,
Thiruvallur District.
3. The Sub-Registrar,
Arani, Thiruvallur District.

+ 1 cc to Mr.B.Chandran, Advocate Sr 20406

+ 1 cc to The Govt.Pleader, Sr 20532

KR/15/4/16

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