

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.12768 of 2016

Mrs.K.Sudha

.. Petitioner

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Santhome, Mylapore,
Chennai-600 028.
2. The District Registrar,
No.9, Jennis Road, Saidapet,
Chennai-600 015.
3. The Sub-Registrar,
Manickam Street,
Kundrathur, Chennai-600 069.
4. Sarasvathi Ammal
5. Mr.M.Guhan
6. Mr.K.Rathin
7. Mr.K.Sai Sriram

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to consider and pass appropriate orders on the representation, dated 10.02.2016 made by the petitioner and in the light of Circular No.67, dated 03.11.2011 (C.No.52338/C1/2011) conduct enquiry within stipulated time period as may be fixed by this Court.

For Petitioner : Mr.T.Sundaravadanam

For Respondent:Mr.M.Dig Vijay Pandian,
Addl.G.P. for RR-1 to 3

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the second respondent to consider and pass appropriate orders on the representation, dated

10.02.2016 made by the petitioner and in the light of Circular No.67, dated 03.11.2011 (C.No.52338/C1/2011) conduct enquiry within stipulated time period as may be fixed by this Court.

2. In the affidavit filed in support of the Writ Petition, it is stated by the petitioner that she is the wife of Late Mr.R.Krishna Kumar. Mr.R.Kosairam Pandian, Mr.R.Karthikeyan and Late Mr.R.Krishna Kumar are the children of Late Rathina Pandian Nadar and the fourth respondent-R.Saraswathi Ammal. The said Rathina Pandian Nadar died on 08.12.1965, leaving behind his wife (fourth respondent herein), sons and daughters--Mrs.Nantha Devi and Manjula Devi. Partition deed(s), release deed(s), settlement deed(s), etc., were executed between the above family members in respect of the properties and there were some litigations on the same.

3. It is the grievance of the petitioner that after verifying the Encumbrance Certificate, it is found that in respect of the share of property belonging to the petitioner's husband Late Mr.R.Krishna Kumar and Mr.R.Karthikeyan, the fourth respondent executed registered settlement deed, dated 24.08.2015, in Document No.15312 on the file of the third respondent, in favour of the respondents 5 to 7. According to the petitioner, the said settlement deed, dated 24.08.2015 is a fraudulent document and in this regard, she relies on Circular No.67 (C.No.52338/C1/2011), dated 03.11.2011 issued by the first respondent in respect of dealing with the fraudulent documents. Hence, the petitioner made a representation, dated 10.02.2016 to the respondents 1 to 3 and other statutory authorities to cancel the above said settlement deed, dated 24.08.2015 executed by the fourth respondent in favour of the respondents 5 to 7. As no action has been taken on the said representation, the petitioner has filed the above Writ Petition.

4. Heard both sides. In view of the order that is going to be passed in this Writ Petition, it is not necessary to issue notice to the respondents 4 to 7.

5. Taking into consideration the factual aspects of the matter, this Court, without going into the merits of the case, directs the respondents 1 to 3 to consider the said representation of the petitioner, dated 10.02.2016, conduct enquiry, give an opportunity of personal hearing to the petitioner and other necessary parties including the respondents 4 to 7 herein and pass appropriate orders on merits and in accordance with law and in the light of the said Circular No.67 (C.No.52338/C1/2011), dated 03.11.2011 issued by the first respondent. The respondents 1 to 3 are directed to dispose of the said representation with 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.

6. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

cs

Copy to

1. The Inspector General of Registration,
Santhome High Road,
Santhome, Mylapore,
Chennai-600 028.
2. The District Registrar,
No.9, Jennis Road, Saidapet,
Chennai-600 015.
3. The Sub-Registrar,
Manickam Street,
Kundrathur, Chennai-600 069.

1 cc to Mr.T. Sundaravadanam, Advocate, Sr. 21487
1 cc to Government Pleader, Sr. 21710

सत्यमेव जयते

W.P.No.12768 of 2016

NM (CO)
kk 25/4

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