

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

WP.No.38158/2016

Mrs.Neelavathy

..
...Vs...

Petitioner

1.The District Registrar,
District Registrar Officer
Central Madras, No.268
Bharathi Salai, Express Estate
Royapettah, Chennai-14.

2.The Sub Registrar,
[District Registrar Cadre]
Purasawalkam Sub Registrar Office
Purasawalkam, Chennai 600 07.

3.The Inspector of Police
P2 Otteri Police Station,
Chennai-12.

4.Mr.M.Subramani

5.Mrs.Laxmi

...

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the 1st respondent to conduct proper investigation in accordance with Circular 67 datdd 03.11.2011 issued by the Inspector General of Registration, Section 83 Registration Act, 1908, and dispose of the matter to the earliest consequently cancelled the settlement deed bearing Doc.No.2550/2014 dated 11.06.2014 on the file of the 2nd respondent herein based on the petitioner's representation dated 21.09.2016.

For Petitioner : Mr.C.Jayaprakash

For RR 1 to 3 : Mr.A.Kumar, Spl. GP

ORDER

Heard the learned counsel for the petitioner and Mr.A.Kumar, learned Special Government Pleader, who accepts notice on behalf of the respondent s 1 to 3 and with the consent on either side, the writ petition is taken up for final disposal.

2 The case of the petitioner is that his father purchased a landed property admeasuring an extent of 467 sq.ft., comprised in S.No.2840/1 situated at Door No.17, Old No.5, Narayana Maistry Main Street, Otteri, Chennai, and constructed a residential house and he had also obtained the electricity, water supply and sewerage connection in his name and also paid the statutory levies periodically. It is the further case of the petitioner that his mother is the 2nd wife of his father and the younger sister of the 1st wife and leaving behind the petitioner herein as the sole legal heir, the petitioner's father, mother and maternal aunt expired. The 4th respondent is the paternal uncle of the petitioner/brother of the petitioner's father and he was permitted to reside in a portion of the said house. The 5th respondent herein had developed illicit intimacy with the 4th respondent and pursuant to a conspiracy, the 4th respondent impersonated himself as the father of the petitioner and executed a Settlement Deed in favour of the 5th respondent herein and the same was also registered before the 2nd respondent vide Doc.No.2550/2014 dated 11.06.2014. Subsequent to the same, the respondents 4 and 5 with the help of one Sekar [son of the 5th respondent] trespassed into the house of the petitioner and criminally intimidated him and also threatened him with dire consequences to evict the property. In this regard, the petitioner lodged a complaint dated 05.04.2016 before the 3rd respondent and since no action was forthcoming, the petitioner approached the Commissioner of Police to initiate speedy action. The petitioner also submitted a detailed representation dated 21.09.2016 to the respondents 1 and 2 to conduct proper enquiry in accordance with section 83 of the Registration Act, 1908 as well as in accordance with the Circular No.67, dated 03.11.2011 issued by the Inspector General of Registration. Since the said representation has not been considered till date, the petitioner is before this Court with the present petition.

3 The learned counsel for the petitioner produced the communication dated 07.10.2016 vide No.12710/Aa2/2016 sent by the 1st respondent to the petitioner calling upon the petitioner to furnish the copies of the registered documents to establish his rights over the disputed property.

4 In view of the above communication of the 1st respondent dated 07.10.2016, this Court directs the petitioner to approach the 1st respondent and produce all the relevant documents and records to establish his rights over the property in question and seek appropriate remedy. On such production of documents by the petitioner, the 1st respondent shall consider the representation of the petitioner dated 21.09.2016 along with the documents so produced, on merits and in accordance with law.

5 With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

AP

To

1.The District Registrar,
District Registrar Officer
Central Madras, No.268
Bharathi Salai, Express Estate
Royapettah, Chennai-14.

2.The Sub Registrar,
[District Registrar Cadre]
Purasawalkam Sub Registrar Office
Purasawalkam, Chennai 600 07.

3.The Inspector of Police
P2 Otteri Police Station,
Chennai-12.

1 cc to Mr.C. Jayaprakash, Advocate, Sr. 63157
1 cc to Government Pleader, Sr. 62841

WP.No.38158/2016

LRS (CO)
kk 29/11

WEB COPY