

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.6321 of 2016

P.Manivanan

.. Petitioner

Vs.

1.The District Registrar,
No.9, Jeenis Road,
2nd Floor, Saidapet,
Chennai-15.

2.The Sub Registrar,
Sub-Registrar Office,
Kundrathur,
Sriperambadur Taluk,
Kancheepuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the respondents to conduct proper investigation in accordance with circular 67 dated 03.11.2011 issued by the Inspector General of Registrations and Section 83 of the Registration Act, 1908 and dispose of the representation dated 11.08.2015 given to the 1st respondent within a stipulated time.

For Petitioner : Mr.A.Anusuya

For respondent : Mr.S.Pattabiraman,
Government Advocate.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus to direct the respondents to conduct proper investigation in accordance with circular 67 dated 03.11.2011 issued by the Inspector General of Registrations and Section 83 of the Registration Act, 1908 and dispose of the representation dated 11.08.2015 given to the 1st respondent within a stipulated time.

3.The ancestral property originally belongs to the petitioner's grandfather Late K.Annamalai Mudaliyar who acquired in his favour by way of sale deed dated 20.01.1947 in document No.172/1947. The said K.Annamalai Mudaliyar died intestate leaving behind the petitioner's father A.Ponnambalam and six others. On 01.02.1971, an oral unregistered partition deed was executed between the petitioner's father and six others and the petitioner's father was allotted "F" Schedule and patta was also issued in patta No.488. The petitioner's father executed settlement deed in favour of the petitioner in Document No.11187 of 2008 on 03.12.2008 and patta was also obtained in patta No.5424. On 03.12.2008, onwards the petitioner is the absolute owner of the properties bearing S.No.612/1 extent of 0.31cents and S.No.613/1A extent of 1.56 $\frac{1}{4}$ Cents totally an extent of 1.87 $\frac{1}{4}$ cents.

4.At this juncture, one D.Marimuthu who is a stranger to the petitioner prepared fabricated mortgage deed without possession and executed the same in favour of one N.Janakiraman. The said Marimuthu made Janakiraman to believe the schedule property belongs to him and executed mortgage deed for Rs.5,00,000/- with respect to the petitioner's schedule mentioned property before the second respondent/Sub Registrar, Kundrathur in Document No.8905 of 2015 dated 04.06.2015. Aggrieved over the same, the petitioner filed OS.No.402 of 2015 before the District Munsif-cum-Judicial Magistrate, Sriperambudur against Marimuthu and Janakiraman.

5.The petitioner approached the second respondent on 24.06.2015 complaining about the entries of fabricated mortgage deed dated 04.06.2015 and produced the original settlement deed dated 03.12.2008 and patta No.5424. The second respondent verified the documents and made an entry in the EC stating that the documents created by Marimuthu is fabricated and forged one. On 11.08.2015 the petitioner approached the Inspector General of Registration and the first respondent with a complaint to cancel the above said forged mortgaged deed dated 04.06.2015 and the same is pending till date. Hence, the petitioner filed the present writ petition.

6.Heard the submissions of learned counsel appearing for the petitioner and the learned Government Advocate who accepts notice on behalf of the respondents.

7.Considering the facts and circumstances, this Court directs the first respondent to consider the representation of the petitioner's dated 11.08.2015, in the light of the Circular No.67 dated 03.07.2011 issued by the Inspector General of Registration and pass orders, on merits and in accordance with law, within a period of twelve weeks, after affording opportunity of personal hearing to the petitioner as well as to

the necessary parties, if any. It is made clear, that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner.

8.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The District Registrar,
No.9, Jeenis Road,
2nd Floor, Saidapet,
Chennai-15.

2.The Sub Registrar,
Sub-Registrar Office,
Kundrathur,
Sriperambadur Taluk,
Kancheepuram District.

+1cc to M/S.A.Anusuya, Advocate, S.R.No.10919

+1cc to the Government Pleader, S.R.No.11062

W.P.No.6321 of 2016.

ca (CO)
srg(01/03/2016)

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