



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.12.2016

CORAM

WEB COPY

THE HONOURABLE **MR. JUSTICE K. RAVICHANDRA BAABU**
W.P (MD) No. 24346 of 2016

Selvamani

.. Petitioner

vs.

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome High Road, Chennai.

2. The District Registrar,
Office of the District Registrar,
Tirunelveli District.

3. The Sub Registrar,
Thirukarungudi Sub Registration Office,
Nanguneri Taluk, Tirunelveli District.

4. Padmavathy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus to direct the respondents 1 to 3 herein to take action against the 4th respondent for creating fraudulent document in Survey No.894/1 situated at Thirukurungudi Part - II, Parapathukadu Village, Nanguneri Taluk, Tirunelveli District on the basis of the Circular No.67, issued by the first respondent dated 03.11.2011 and based on the petitioners representation dated 22.10.2016.

For Petitioner

: Mr. P. Krishnasamy

For R1 to R3

: Mr. T.S.Mohammed Mohideen

Additional Government Pleader

O R D E R

This writ petition is filed seeking for a mandamus directing the respondents 1 to 3 herein to take action against the fourth respondent for creating fraudulent document in respect of the subject matter property. The petitioner, in effect, is trying to question the sale deed dated 08.07.1985 executed by her late husband in favour of the fourth respondent. According to the petitioner, the vendor namely, her husband, was not the only person having title to the property and there are other legal heirs, who were not added as party to the said document. It is also contended by the petitioner that the property was registered outside the jurisdiction of the competent Registrar, within whose jurisdiction the property lies.



2. Mr.P.Krishnasamy, learned counsel appearing for the petitioner vehemently contended that this case will squarely fall under the scope and ambit of Circular No.67 dated 03.11.2011 issued by the Registration Department so as to question the validity of the sale deed executed by the petitioner's late husband. The learned counsel in support of his submission relied on the judgment of this Court reported in 2014(4) CTC 627(In Ramasamy Vs. State of Tamilnadu rep. By the Secretary, Revenue Department, Chennai -9).

3. I do not think that the learned counsel for the petitioner is right in contending that the case of the petitioner would fall within the scope and ambit of the said Circular No.67 so as to direct the Registration Department to investigate the matter. It is seen that it is an admitted fact that the petitioner's husband namely, one Selvaraj, executed the disputed sale deed in favour of the fourth respondent as early as in the year 1985. It is the case of the petitioner that apart from the petitioner's husband there are some other legal heirs, who were not added as party to the said document. That issue, in my considered view, will not fall under the scope and ambit of fraudulent registration, especially, under the circumstance that the petitioner's husband had executed the sale deed in favour of the fourth respondent thirty one years back and that the other legal heirs, who are said to have some share in the property, appear to have not questioned the said sale before competent civil court. Thus, it appears that the petitioner is trying to wrack up the issue after 31 years by filing this writ petition with some ulterior motive. Therefore, I find that this Court need not exercise its discretionary jurisdiction to issue writ of mandamus sought for by the petitioner.

4. Needless to say that if there is any title dispute with regard to the property, appropriate persons should have approached the civil court within the time stipulated for making such attempt under the Limitation Act. When no such attempt is made so far, the petitioner is now trying to question such sale indirectly by filing this writ petition.

5. Even with regard to the contention raised by the learned counsel for the petitioner that the sale deed was registered outside the jurisdiction of the concerned jurisdictional Registrar, I do not think that the petitioner can raise the said issue after a period of 31 years more particularly when the concerned other individuals, according to the petitioner, who have some share in the property, have not come before the competent Court and challenged such transaction immediately after the said sale.



6. Considering all these aspects I find that the present writ petition is totally misconceived and accordingly, the same is dismissed. No costs.

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To,

1.The Inspector General of Registration, Office of the Inspector General of Registration, Santhome High Road, Chennai.

2.The District Registrar, Office of the District Registrar, Tirunelveli District.

3.The Sub Registrar, Thirukarungudi Sub Registration Office, Nanguneri Taluk, Tirunelveli District.

+1cc to Mr.P.Krishnasamy SR No 82238

+1cc to Special Government Pleader SR No 82319

cm

ms/Em/Jmp/18.01.2017.3p.6c

W.P (MD) No.24346 of 2016
20.12.2016