



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 04.11.2013

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THE HONOURABLE MR. JUSTICE T. RAJA

W.P (MD) No.17880 of 2013

E.Ramuthai

..Petitioner

Vs

1. The Inspector General of Registration,
Registration Department,
Santhome,
Chennai.
 2. The Deputy Inspector General of Registration,
Registration Department,
Madurai Region,
Madurai.
 3. The District Registrar,
Registration Department,
Virudhunagar District.
 4. The Sub Registrar,
Registration Department,
Sivakasi,
Virudhunagar District.
- ..Respondents

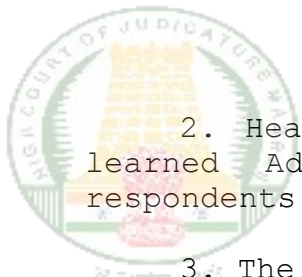
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to take necessary action on the basis of the enquiry report submitted by the second respondent on 24.06.2011 in his proceedings No.3158/E1/2011 within a stipulated time.

For Petitioner : Mr.A.P.Muthu Pandian

For Respondents : Mr.S.Sathishkumar
Additional Government Pleader

ORDER

This writ petition has been filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus to direct the first respondent/ Inspector General of Registration, Chennai to take necessary action on the basis of the enquiry report submitted by the second respondent/Deputy Inspector General of Registraton, Madurai Region, in his proceedings No.3158/E1/2011, dated 24.06.2011.



2. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents.

3. The learned Counsel appearing for the petitioner would submit that the property covered in Survey Nos.1181 and 1182 and 1185 situated at Enjar Village, Sivakasi, Virudhunagar District, having an extent of 10 Acres and 39 cents belonged to the petitioner's husband's father Venkatasamy Thevar S/o Veerapathira Thevar. After the death of Venkatasamy Thevar, the sale devolved on her husband as legal heir. When the petitioner's husband Eswaramoorthy was a sole legal heir, the same was also transferred to the petitioner's children through gift deed. When the name of Venkatasamy Thevar was shown in the patta pass book, an application was filed to find out the existence of any encumbrance on the petitioner's property. But the proceedings issued by the fourth respondent shows that from the year 1970 to 1986, there was no encumbrance. Subsequently one Geetha Ramani found to have created a forged document and entered her name in the UDR. After finding that the forged document was created in document Nos.3347/1963, 3348/1963, 814/1996, 3343/1971 and 2431/1972, a complaint was lodged before the respondents 3 and 4 for conducting a proper enquiry and for cancelling the forged document. However, the second respondent conducted an enquiry and after verifying the documents, it was found that the petitioner's husband Eswaramoorthy has not conveyed any property to the third parties. Therefore, the second respondent has also obtained the signature and sealed the cover and thereafter kept it in the fourth respondent Office.

4. Since the District Registrar/third respondent has to be further proceeded and an enquiry under Section 82 of the Registration Act has to be completed on the basis of the second respondent proceedings dated 24.06.2011, a suitable direction has been sought for by the petitioner.

5. The learned Additional Government Pleader appearing for the respondents would submit that now the second respondent submitted his report dated 24.06.2011 and that report has to be properly considered by the first respondent and thereafter, suitable action would be further taken.

6. As the report submitted by the second respondent has not been further proceeded with, this Court directs the first respondent to consider the report of the second respondent on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(A.S.)

/True Copy/

Sub-Assistant Registrar



To

1. The Inspector General of Registration, Registration Department, Santhome, Chennai.
2. The Deputy Inspector General of Registration, Registration Department, Madurai Region, Madurai.
3. The District Registrar, Registration Department, Virudhunagar District.
4. The Sub Registrar, Registration Department, Sivakasi, Virudhunagar District.

+1cc to Mr.A.P.Muthupandian, Advocate, in SR. No.53550.

+1cc to Special Government Pleader, in SR No.53710.

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