

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.08.2017
CORAM

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

W.P.No.4130 of 2017

Sakunthala

[Petitioner]

Vs

1.The District Registrar,
District Registrar Office,
Kancheepuram Road,
Chengalpattu,
Kancheepuram District.

2.The Sub Registrar,
Thiruporur Registrar Office,
Thiruporur Taluk,
Kancheepuram District.

3.B.Rajendran

4.B.Gajendran

5.B.Mahendran

6.Saraswathy Subramani

7.B.Arumugam

8.B.Kanthan

9.M.Padma

10.M.Arulraj

(Respondents 3 to 10 are impleaded as per
the order of this Court in W.M.P.No.5786
of 2017 dated 29.08.2017).

[Respondents]

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to conduct appropriate enquiry about fraudulent settlement deeds which is registered as Document No.3165/2007 dated 26.03.2007 and one more alleged settlement deed which is registered as Document No.6468/2007 dated 21.06.2007 as per the representation dated 5.8.2016 on the file of the SRO, Thiruporur in respect of the property situate in Old Survey No.109/A part corresponding new Survey No. 261/8 measuring about 3430 sq.ft within the Thiruporur Township, Kancheepuram District particularly situate in Vanigar Street in Village No.105, Thiruporur.

For Petitioner : Mr.V.Manohar
For Respondents : Mr.R.Rajeswaran,
Special Government Pleader
for R1 and R2

O R D E R

The petitioner has filed this writ petition for issuance of a Writ of Mandamus directing the respondents 1 and 2 to conduct appropriate enquiry about fraudulent settlement deeds which are registered as Document No.3165/2007 dated 26.03.2007 and another settlement deed which is registered as Document No.6468/2007 dated 21.06.2007 as per the representation dated 05.08.2016 on the file of the Sub-Registrar, Thiruporur in respect of the property situated in Old Survey No.109/A part, Corresponding new Survey No.261/8, measuring about 3430 sq.ft within the Thiruporur Township, Kancheepuram District particularly situated in Vanigar Street in Village No.105, Thiruporur.

2.Mr.V.Manohar, learned counsel for the petitioner has submitted that though the petitioner has given a representation seeking for enquiry with regard to the documents dated 26.03.2007 and 21.06.2007 as early as on 05.08.2016, the first respondent has not passed any orders till date.

3.Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents 1 and 2, submitted that the remedy available to the petitioner is to file a civil suit and the issue cannot be decided in a writ proceeding. Further, it is submitted that the averments contained in the affidavit are matters for evidence which could be decided only by a competent civil Court and not by the respondents 1 and 2.

4.The learned counsel for the petitioner has submitted that the first respondent may be directed to pass orders on the petitioner's representation dated 05.08.2016.

5.Having regard to the submission made by the learned counsel on either side, without expressing any opinion with regard to the merits of the case, I direct the first respondent to pass orders on the petitioner's representation dated 05.08.2016 taking into consideration the averments stated in the counter affidavit filed by the second respondent, in accordance with law, after giving notice to the respondents 3 to 10, within a period of eight weeks from the date of receipt of a copy of this order.

6.With this observation, the writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KM

To

1.The District Registrar,
District Registrar Office,
Kancheepuram Road,
Chengalpattu,
Kancheepuram District.

2.The Sub Registrar,
Thiruporur Registrar Office,
Thiruporur Taluk,
Kancheepuram District.

+1 cc to M/s.V.Manohar Advocate sr 62294

+1 cc to Govt Pleader sr 63053

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