

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.9160 of 2018

Renuka Sivaramprasad

.. Petitioner

-vs-

1.The Government of Tamil Nadu,
represented by its Secretary,
Registration Department,
Fort St. George, Chennai 600 009.

2.The Inspector General of Registration,
Santhome High Road, Santhome,
Chennai 600 028.

3.The Sub Registrar,
Thenkanikottai,
Krishnagiri District.

.. Respondents

Prayer: Petition filed under Article 226 of the
Constitution of India, praying for issuance of a Writ of
Mandamus directing the second respondent to consider and pass
orders on the representation dated 06.02.2018 made by the
petitioner.

For Petitioner : Mr.K.Venkatesan

For Respondents: Ms.K.Bhuvaneswari,
Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to
the second respondent to consider and pass orders on the
representation dated 06.02.2018 made by the petitioner wherein
she has made a request to take action against the third
respondent, the Sub Registrar, Thenkanikottai, Krishnagiri
District since he has allegedly colluded with the petitioner's
own brother.

2.The case of the petitioner is that believing the words of her own brother, she has executed a sale deed as if it is only a mortgage deed and the same was also registered on the file of the third respondent. According to her, since the document was in Tamil language, not being conversant with the language, could not understand the contents of the said document. Taking advantage of her position, her own brother having ill intention, made the petitioner to execute the said sale deed. In this regard, a representation has been given to the second respondent seeking an enquiry to be conducted with regard to registration of a sale deed by the third respondent without verifying the Encumbrance Certificate and without getting confirmation from the petitioner about the nature of the document at the time of registration of sale deed bearing Document No.5429 of 2017 dated 06.11.2017. Finding no response, she is before this Court seeking the above prayer.

3.This Court is not able to appreciate the attitude of the petitioner. Firstly, she has admitted that she is the owner of the land covered in Survey No.572/1 having an extent of 3.03 ½ acres situated at Thenkanikottai, Krishnagiri District and has already settled 0.54 cents of land in favour of her husband under Settlement Deed bearing document No.3611 of 2016 dated 26.02.2016 on the file of the Sub Registrar, Thenkanikottai, Krishnagiri District. Subsequently, according to the petitioner, her own brother approached with a motive to alienate the property and he has promised that the mortgage deed has been prepared in her favour. Believing the words of her own brother that it is only a mortgage deed, she has signed the same. Later on, the petitioner came to know that in the name of mortgage deed, her brother executed a sale deed and the same has also been registered in collusion with the third respondent. Secondly, the petitioner cannot play double role. When she herself has admitted that she has signed the mortgage deed which has subsequently been mortgaged or registered, she has to proceed only against her brother by filing either criminal or civil case and she cannot seek a direction to take action against the third respondent. Therefore, this Court is not inclined to entertain this petition and the same is dismissed. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Secretary, Government of Tamil Nadu,
Registration Department,
Fort St. George, Chennai 600 009.

2.The Inspector General of Registration,
Santhome High Road, Santhome,
Chennai 600 028.

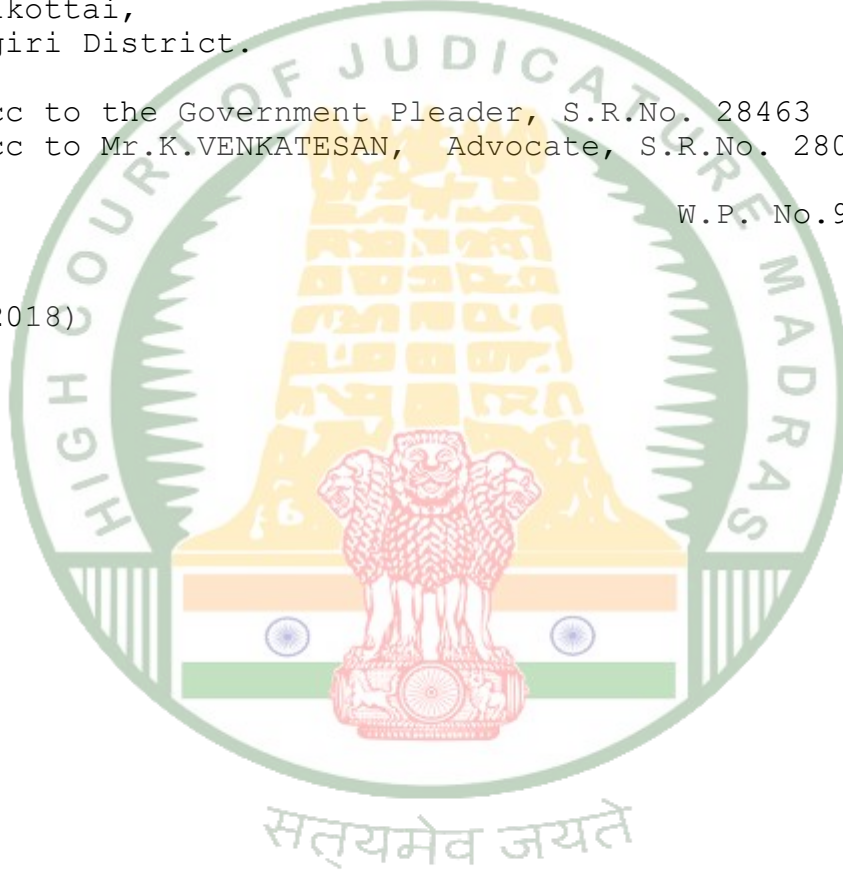
3.The Sub Registrar,
Thenkanikottai,
Krishnagiri District.

+1cc to the Government Pleader, S.R.No. 28463

+1cc to Mr.K.VENKATESAN, Advocate, S.R.No. 28031

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NM(CO)
TR(27/04/2018)



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