

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.11973 of 2018

Mrs.U.Ramadevi

... Petitioner

-vs-

1. The Inspector General of Registration  
Office of the I.G.of Registration  
Santhome Road  
Chennai 600 004
  2. The Sub Registrar  
Pallavaram Sub Registrar Office  
Pallavaram  
Chennai
  3. D.Govindammal
  4. The District Registrar (South)  
No.9, Jenis Road  
West Saidapet  
Chennai 600 015  
(R4 suo motu impleaded by order  
of Court dated 4.6.2018 made in  
WP No.11973 of 2018)
- ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent to consider the representation dated 22.02.2018 to cancel the sale deed dated 17.5.1983 vide Document No.2233/1983.

For Petitioner :: Mr.J.Arul Prakasam

For Respondents :: Mr.T.M.Pappiah  
Special Government Pleader  
for R1, 2 & 4

## ORDER

This writ petition has been filed seeking a mandamus directing the second respondent to consider the petitioner's representation dated 22.02.2018 to cancel the sale deed dated 17.5.1983 made in Document No.2233/1983.

2. Learned counsel for the petitioner submitted that the petitioner got married with her husband Mr.Ulaganathan. Subsequently, the petitioner's father Mr.P.Thirumalai, S/o late N.T.Balaraman Naicker, owning a property situated at Nanmangalam Village, Kancheepuram District comprised in Survey No.88/1 bearing Patta No.125 having an extent of 0.60 cents, settled the same in favour of the petitioner under the settlement deed dated 9.7.2003 bearing Document No.2309/2003 in Book No.1 pages 1 to 9. The said property was originally purchased by her great grandfather Mr.Thirunatha Naicker under the sale deed dated 26.6.1911 bearing Document No.2248/1911 registered on the file of the Sub Registrar, Saidapet from one Thiru Rangachari and from the date of purchase, the petitioner's great grandfather was in possession and enjoyment of the same. After the demise of her great grandfather Mr.Thirunatha Naicker, his sons, namely, Gopal Naicker, Ethiraj Naicker and Balram Naicker have partitioned the same equally among themselves on 4.10.1933. In the said partition, the petitioner's grandfather Mr.Balaram Naicker was allotted the 'C' schedule property in Survey No.88/1 measuring an extent of 0.60 cents apart from other properties enjoyed by her grandfather. Thereafter, her grandfather Mr.Balaram Naicker also passed away on 7.1.1982 leaving behind his son Mr.Thirumalai (the petitioner's father) and his daughter Govindammal as his legal heirs. Later on, the petitioner applied for encumbrance certificate. It is at this stage, on verification of the encumbrance certificate, the petitioner was shocked to know that the petitioner's aunt Mrs.Govindammal, W/o Dharmalingam had executed a sale deed in favour of Mrs.Saraswathi, W/o N.G.Kanniappan on 17.5.1983 bearing Document No.2233/1983, suppressing the crucial fact that the petitioner's father is one of the legal heirs, which amounts to criminal breach of trust done by the petitioner's aunt Mrs.Govindammal. Immediately thereafter, a representation has been given on 22.2.2018 to the first and second respondents about the sale deed executed by Mrs.Govindammal and to cancel the same. Since the said representation has not been till date acted upon, she has been advised to come to this Court.

3. Mr.T.M.Pappiah, learned Special Government Pleader for the respondents 1, 2 & 4 submitted that although a representation dated 22.2.2018 is said to have been addressed to the respondents 1 & 2 by the petitioner mentioning about the

illegal sale deed executed by one Mrs.Govindammal and to cancel the same, till date, the petitioner has not approached the police department to lodge any criminal complaint for criminal breach of trust done by her aunt Mrs.Govindammal.

4. Be that as it may. When the learned counsel for the petitioner has produced the settlement deed dated 9.7.2003 executed by the petitioner's father Mr.Thirumalai in her favour, it is not known how the same property can be sold by Mrs.Govindammal, W/o Dharmalingam under the sale deed dated 17.5.1983. Hence, this Court finds no hesitation to direct the District Registrar (South), Chennai, who has been suo motu impleaded as the fourth respondent in the writ petition, to consider the petitioner's representation made to the Sub Registrar, Pallavaram. For the said purpose, the petitioner is hereby directed to furnish a copy of the representation dated 22.2.2018 to the District Registrar (South), Chennai along with a copy of this order as well as the copies of the settlement deed dated 9.7.2003 bearing Document No.2309/2003 and the sale deed executed by Mrs.Govindammal dated 17.5.1983 bearing Document No.2233/1983 within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the fourth respondent-District Registrar (South), Chennai shall consider the same on merit and do the needful as contemplated under Section 83 of the Registration Act, 1908. With this direction, the writ petition stands disposed of. No costs.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ss  
To

1. The Inspector General of Registration  
Office of the I.G.of Registration  
Santhome Road  
Chennai 600 004

2. The Sub Registrar  
Pallavaram Sub Registrar Office  
Pallavaram  
Chennai

3. The District Registrar (South)  
No.9, Jenis Road  
West Saidapet  
Chennai 600 015

+1cc to the Government Pleader Sr.35038  
+2cc to Mr.J.Arul Prakasam, Advocate Sr.34527

W.P.No.11973 of 2018

srg 19/06/2018



WEB COPY