

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.21940 of 2007

Vijaya Manohar (deceased)

P2.Estate of Vijaya Manohar
rep. by the Sole Executor Mr.N.S.Manohar
No.26-B, Eldams Road, Teynampet,
Chennai-18.

P3.N.S.Manohar

P4.Suman Ranjeet

P5.Preetha Monohar

... Petitioners

P2 to P5 are substituted as LRs of the deceased P1
vide order dated 13.03.2019 made in M.P. No.
1 of 2012 in W.P. No.21940 of 2007 by TRJ

-vs-

1.The Inspector General of Registration,
Santhome, Chennai 600 004.

2.The District Registrar,
Office of the District Registrar,
South Chennai.

3.The Sub Registrar,
Adyar, Chennai 600 020.

4.P.V.Deva Kumar

5.M.Alagu Sundaram

6.K.Rajabadhar

7.Nar Bahoak

8.S.Jayanthi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 to 3 to take immediate steps to conduct a detailed enquiry about registration of the documents and take further actions to cancel the deeds i.e. Power of Attorney dated 23.05.2005, Doc. No.749 of 2005 registered with third respondent and Sale deed dated 06.07.2005 document No.4691 of 2005 and Rectification Deed dated 12.09.2005 document No.6521/2005 both registered with second respondent and prosecute the respondents 4 to 8 as provided under Section 82 and 83 of the Registration Act, 1908.

For Petitioners : Ms.Sriprada Prabhakar for
Mr.M.Aravind Subramanian

For respondents : Mr.T.M.Pappiah,
Special Government Pleader
for R1 to R3

Mr.M.Baskar for R4

No appearance for R5 to R8

ORDER

The writ has been filed seeking a direction to respondents 1 to 3 to take immediate steps to conduct a detailed enquiry about registration of the documents and take further actions to cancel the deeds, namely, Power of Attorney dated 23.05.2005, Doc. No.749 of 2005, registered with third respondent, Sale deed dated 06.07.2005, document No.4691 of 2005 and Rectification Deed dated 12.09.2005 document No.6521/2005, both registered with second respondent and to prosecute respondents 4 to 8 as provided under Sections 82 and 83 of the Registration Act, 1908.

2.Learned counsel appearing for the petitioners submitted that the deceased petitioner is the daughter of late V.Balasubramani and late Radha Balasubramani alias Radha Bai and her father, who was the owner of the business in the name and style of Original Vel Printing Works, had brought certain immovable properties. However, the Nanja Agricultural lands ad measuring to an extent of 1.58 acres, comprised in Survey No.6, situated at No.149, Pallikaranai Village, Saidapet Taluk, Chengai MGR District, were purchased by her mother Radha Bai, out of the estate of the joint family under the Sale Deed dated 07.05.1966 registered as Doc. No.1375 of 1966. Subsequently, the above said property was partitioned among the said Radha Bai and her two sons and daughter namely B.Ashok Kumar, B.Sampath Kumar

and Vijaya Manohar to the extent of 98 cents under Partition Deed dated 31.10.1989 registered as Document No.3718 of 1989 at RO, Madras South and thereby, the deceased petitioner has become absolute owner to the extent of 25 cents in Pallikaranai Village, Kancheepuram District, comprised in Survey No.6/2 under 'C' Schedule to the registered Partition Deed dated 31.10.1989, but, later on, it was found

that the said partitioned schedule property has been sold surreptitiously and fraudulently in favour of the fourth respondent under Sale Deed dated 06.07.2005, registered as Document No.4691 of 2005 at District Registrar, South Chennai, second respondent herein. Therefore, the deceased petitioner has come to this Court challenging the same.

3.Learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the petitioner has not given any representation or complaint to respondents 1 to 3 to take appropriate action as per law.

4.Without giving any representation or complaint to respondents 1 to 3, the petitioner cannot come to this Court by way of filing the writ petition. Accordingly, the writ petition fails and the same is dismissed. Consequently, connected M.Ps are closed. No costs.

5.Liberty is given to the petitioner to approach the District Registrar, Office of the District Registrar, South Chennai, the second respondent herein by way of filing representation or complaint, within a period of two weeks from the date of receipt of a copy of this order. If any such representation/complaint is given to the second respondent, the same shall be considered on merits, within a period of eight weeks thereafter.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

vga

To

1.The Inspector General of Registration,
Santhome, Chennai 600 004.

2.The District Registrar,
Office of the District Registrar,
South Chennai.

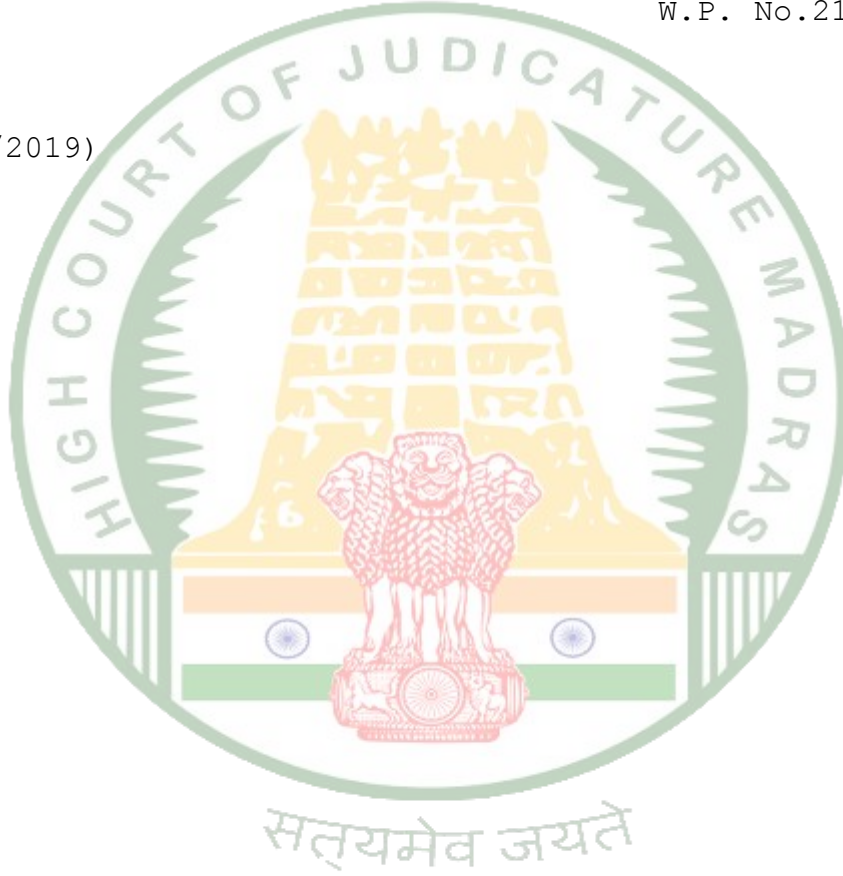
3.The Sub Registrar,
Adyar, Chennai 600 020.

+lcc to Mr.M.aravind Subramaniam, Advocate SR.No.27242

+lcc to Government Pleader SR.No.28044

W.P. No.21940 of 2007

GMV (12/04/2019)



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