

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.02.2019

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.1758 of 2016

C.Vellaiyan

.. Petitioner

Vs.

1. The District Registrar,
Salem West Registration District,
Collectorate Complex,
Salem - 636 001.

2. The Sub Registrar,
McDonald Chouldry,
Sankari Taluk,
Salem District.

3. Elumalai

4. Chinnathambi

5. Palanisamy

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to conduct an enquiry and initiate prosecution against the respondents 3 to 5 and their associates under Sections 81 to 83 of the Registration Act, 1908 for the creation of a fraudulent partition deed dated 03.06.2011 (Doc.No.4457/2011) in respect of the property measuring 21 cents in S.No.468/3D, Koranampatti Village, Edappadi Taluk, Salem District by considering the petitioner's representation dated 26.12.2015.

For Petitioner : Mr.N.Manokaran

For Respondents 1 & 2 : Mr.P.Purushothaman
Government Advocate

O R D E R

The petitioner has come up with this writ petition seeking a direction to the respondents 1 and 2 to conduct an enquiry and initiate action against the respondents 3 to 5 and their associates under Sections 81 to 83 of the Registration Act, 1908 for creation of fraudulent partition deed dated 03.06.2011 (Doc.No.4457/2011) in respect of the property measuring an extent of 21 cents situated in S.No.468/3D, Koranampatti Village, Edappadi Taluk, Salem District, based on his representation dated 26.12.2015.

2. According to the learned counsel for the petitioner, the petitioner has submitted a representation dated 26.12.2015 to the respondents 1 and 2 seeking to conduct an enquiry and initiate action against the respondents 3 to 5 for creation of fraudulent partition deed dated 03.06.2011 (Doc.No.4457/2011) in respect of the property measuring an extent of 21 cents in S.No.468/3D, situated in Koranampatti Village, Edappadi Taluk, Salem District, but, the same is yet to be disposed of by the respondents 1 and 2. Hence, the petitioner is before this Court.

3. Heard Mr.P.Purushothaman, learned Government Advocate on behalf of the respondents 1 and 2.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the respondents 1 and 2 to conduct an enquiry based on the petitioner's representation 26.12.2015 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioners, the respondents 3 to 5 herein as well as any of the interested parties and also affording them an opportunity of personal hearing within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

srn/av

To

1. The District Registrar,
Salem West Registration District,
Collectorate Complex,
Salem - 636 001.

2. The Sub Registrar,
McDonald Chouldry,
Sankari Taluk,
Salem District.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.9509

W.P.No.1758 of 2016

MR(CO)
GSP(06/03/2019)



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