



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.10.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.29968 of 2019

T.K.Govindarajan,
S/o.T.K.Sundarachari,
B-7, Grassland Apartment,
98, Mount Poonamalee Road,
Porur,
Chennai - 116.

... Petitioner

/versus/

1. The Tahsildar,
Solinganallur Taluk,
Old Mahabalipuram Road,
TNHB, Sholinganallur,
Chennai - 600 119.

2. G.Kumar,
S/o.Govindarajan,
Plot No.5, 12th Cross Street,
New Colony,
Chrompet, Chennai - 44.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the 1st respondent to pass orders on the application of the petitioner dated 02.07.2019 by taking into consideration of the order dated 15.06.2017 passed by the District Registrar (Admin), South Chennai, within a time frame.

For Petitioner : Mr.K.Suresh

For R1 : Mr.J.Purushothaman,
Government Advocate

O R D E R

Heard the Learned Counsel for the Petitioner and Learned Government Advocate for the 1st respondent.



2. The case of the petitioner is that, his property at Plot No.134, Indira Priyadharshini Nagar, Perumbakkam Village, presently Tambaram Taluk, Kancheepuram District, was fraudulently transferred in the name of one Kumar by way of a forged settlement deed as if the said Kumar is son of the petitioner. In fact, the petitioner being bachelor and have no son or daughter obviously the document alleged to be a settlement deed executed by the petitioner in favour of Kumar appears to be fake document. Hence, the petitioner herein having come to know about the fraudulent transfer of his property, has given representation to the District Registrar to take appropriate action under Sections 82 and 83 of the Indian Registration Act. Accordingly, the District Registrar has conducted enquiry and has held that the settlement deed in favour of said Kumar alleged to have executed by the petitioner is forged documents. However, pending these proceedings, the Tahsildar has mutated the Revenue records in favour of Kumar, based on the document which was later held to be a fraudulent document. Hence, the petitioner has given representation to the 2nd respondent, on 02.07.2019 to modify the entry made in the Revenue records and restore the patta in the name of the petitioner. Since, no action was taken, the present Writ Petition is filed seeking Mandamus.

3. After notice, the Tahsildar, Sholinganallur, Chennai, through Government Advocate informs this Court that, pursuant to the representation given by the petitioner and the notice received in W.P.No.29968 of 2019, he has caused notice to the parties to appear before him with all relevant documents for enquiry on 05.11.2019.

4. The Learned Government Advocate further submits that, on completion of the enquiry, suitable orders will be passed based on the representation of the petitioner.

5. Recording the same, the Writ Petition is disposed of directing the 1st respondent to cause notice to all parties concerned for due enquiry and pass appropriate order on merits, within a period of six weeks, from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



bsm

To:

WEB COPY

The Tahsildar,
Solinganallur Taluk,
Old Mahabalipuram Road,
TNHB, Sholinganallur,
Chennai - 600 119.

W.P.No.29968 of 2019

br (co)
nr 16/12/2019