

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.10.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.29778 of 2019

Raji

.. Petitioner

/versus/

1.The Inspector General of Registration,
Inspector General Office,
Chennai 600 028.

2.The District Registrar,
District Registrar Office,
Kallakurichi.

3.The Joint Registrar,
No.2, Joint Registrar Office,
Kallakurichi.

4.Mageswari.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring the document No.1675 of 2019, dated 21.06.2019 on the file of the 3rd respondent is Null and Void in pursuance of the petitioner representation dated 22.08.2019.

For Petitioner :Mr.M.Subash

For Respondents :Mr.T.M.Pappiah, Spl.G.P.
For R1 to R3

ORDER

The prayer in the writ petition is to issue a Writ of Declaration declaring the document No.1675 of 2019, dated 21.06.2019 on the file of the 3rd respondent is Null and Void in pursuance of the petitioner representation dated 22.08.2019.

2. Heard Mr.M.Subash, learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader, who takes notice for respondents 1 to 3.

3.The case of the petitioner is that he settled the property in favour of his son Saravanan vide settlement deed dated 24.05.2012. His son is suffering from mental illness. Taking advantage of that, fraudulently the 4th respondent has got the sale deed executed in her favour the property which was settled in favour of his son Saravanan. His son is suffering from mental illness and he is not in a good state of mind to execute any deed. Mentioning the same, the petitioner has given a protest petition before the 3rd respondent that no deed presented by his son Saravanan should be registered.

4. To circumvent the protest petition, the 4th respondent has obtained the sale deed fraudulently by his son Saravanan and presented before the Sub Registrar Thiyagathurugam and got it registered on 21.06.2019. Knowing that the petitioner has sent a legal notice to the District Registrar, Kallakurichi on 11.07.2019, the District Registrar has called for the documents in support of his complaint and the petitioner has also furnished the same on 22.08.2019. Now the present writ petition is filed seeking Writ of Declaration to declare the document dated 21.06.2019 registered at the Sub Registrar Office purported to have been executed by the son of the petitioner Saravanan in favour of the 4th respondent Mageswari.

5. The prayer in the writ petition cannot be entertained since the complaint given by the petitioner herein to the District Registrar is under consideration. It is for the District Registrar to consider the complaint, conduct enquiry and pass appropriate orders after hearing the parties concerned on the disputed facts. The petitioner herein has to work out his remedy through the complaint given to the District Registrar which is pending enquiry. The disputed facts cannot be examined under Writ jurisdiction. Hence, the Writ Petition is dismissed .
No costs.
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सत्यमेव जयते

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector General of Registration,
Inspector General Office,
Chennai 600 028.

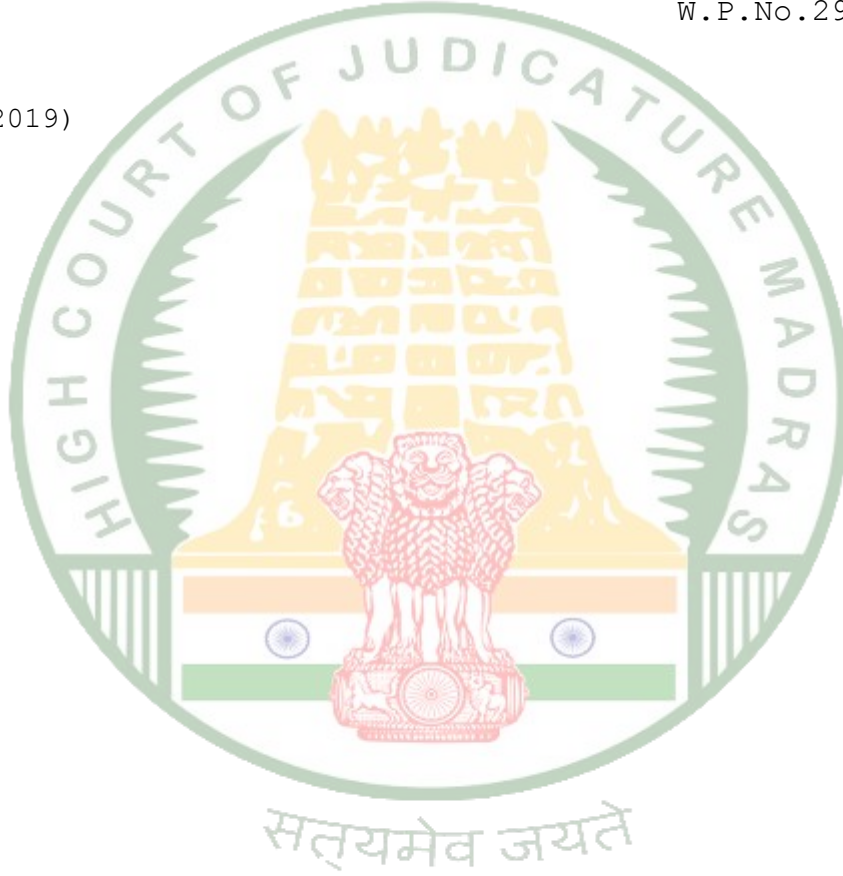
2.The District Registrar,
District Registrar Office,
Kallakurichi.

3.The Joint Registrar,
No.2, Joint Registrar Office,
Kallakurichi.

+lcc to the Govt.Pleader, vide, SR.No.88220
+lcc to Mr.M.Subash, Advocate, SR.No.87196

W.P.No.29778 of 2019

Kak(20/11/2019)



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