

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2019

CORAM :

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

W.P.No.32048 of 2017

G.Sundaram

... Petitioner

Vs.

1. The Inspector General of Registration,
O/o. Inspector General of Registration,
Santhome,
Chennai - 600 028.
2. The Deputy Inspector General of Registration,
O/o. Salem Zonal Registrar Office,
Collectorate Building,
Salem - 636 001.
3. The District Registrar (Administrative),
O/o. District Registrar,
Ammamet,
Salem - 636 003.

4.G.Saravanan

5.G.Sarojini

6.G.Chitra

7.G.Radhamani

8.G.Jagadeesan

9.V.G.Ravichandran

10.G.Sulochana

... Respondents

[R5 to R10 impleaded vide order dt.23.03.2018 made
in WMP No.1664 of 2018 in W.P.No.32048 of 2017]

Prayer : Writ Petition filed under Article 226 of the
Constitution of India for issuance of a Writ of Mandamus
directing the 3rd respondent to dispose off the petitioner's
representation dated 23.06.2017 within a stipulated period to be
fixed by this Court.

For Petitioner : Mr.K.Anusuya

For R1 to R3 : Mr.P.P.Purushothaman
Government Advocate

For R4 : Ms.J.Prithivi

R5 to R10 : No appearance

O R D E R

The petitioner has come up with this writ petition, seeking a direction to the 3rd respondent to dispose off his representation dated 23.06.2017 within a time frame.

2.The case of the petitioner is that, his mother Kamalammal had purchased a house property through a registered Sale Deed on 30.01.1972 and thereafter, she died intestate on 16.02.2003. It is alleged that, during her life time, she had not executed any Will, Settlement or Sale Deed in favour of her family members in respect of the above property. The petitioner's father died on 05.01.2009. The petitioner came to know that a Will was executed on 27.11.2003 in favour of five daughters of his father and without cancelling the said Will, a Settlement Deed was executed in favour of his two sons namely, Ravichandran and Saravanan, on 05.11.2008. Later, the said Saravanan had transferred the share of one Ravichandran to his wife Baby @ Vanitha on 13.10.2010 without the knowledge of other legal heirs. Next, it is the case of the petitioner that, the Will dated 27.11.2003, the Settlement Deed dated 05.11.2008 and the Sale Deed dated 13.10.2010 are fraudulent documents and hence, he gave a representation to the 2nd respondent to initiate proceedings under Section 83 of the Registration Act.

3.Learned counsel for the petitioner reiterated the averments in the affidavit and prayed for issuance of direction in the writ petition.

4.Per contra, learned counsel appearing for the 4th respondent would argue that the petitioner and the private respondents are brothers and sisters and the property in dispute was purchased by their mother Kamalammal. Since, the property was settled in favour of two of the legal heirs, the petitioner has made false allegations against the 4th respondent. It is further contended that, in respect of the same property, a suit is pending before the civil Court.

5.A perusal of the representation of the petitioner dated 23.06.2017 shows it was made for taking action under Section 83 of the Registration Act.

6.Taking note of the above facts, this Court is of the opinion that, at this juncture, the prayer sought for by the writ petitioner cannot be issued. It is open to the petitioner to pursue other legal remedies in the manner known to law.

7.With the above observations, this writ petition is disposed of. No costs.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

mkn

To

1.The Inspector General of Registration,
O/o. Inspector General of Registration,
Santhome,
Chennai - 600 028.

2.The Deputy Inspector General of Registration,
O/o. Salem Zonal Registrar Office,
Collectorate Building,
Salem - 636 001.

3.The District Registrar (Administrative),
O/o. District Registrar,
Ammamet,
Salem - 636 003.

+1 CC to Govt. Pleader sr 69381.

+1 CC to Mr.C. Samivel, Advocate sr 69070

+1 CC to Mr.S. Kaithamlai Kumaran, Advocate sr 68797.

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AD(CO)
SP(03/10/2019)