

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

WP.No.9281 of 2020 and
WMP No.11312 of 2020

P. Santhalingam

... Petitioner

Vs.

1. The District Registrar (Admin)
in the cadre of
Asst. Inspector General of Registration,
Coimbatore District,
District Collectorate,
State Bank Road,
Coimbatore 641 018.
2. The Sub-Registrar,
Ganapathy,
Coimbatore.
3. K. Dharmalingam,
4. D. Kalaiselvi

... Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent to take necessary action against all the persons and the officials who involved in the fraudulent registration of Settlement Deed dt.11.12.2019, executed by K. Dharmalingam, the 3rd respondent in favour of his wife D.Kalaiselvi, the 4th respondent, as Document No.8631/2019 on the file of the SRO, Ganapathy, the 2nd respondent by considering the petitioner's representation dt.23.5.2020 within a reasonable period to be fixed by this Court.

For Petitioner : Mr.R. Neelagandan for
Mr.M.B.Nambiselvan

For Respondents: Mr.T.M.Pappiah, Spl. Govt. Pleader
(R1 & R2)

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus, directing the 5th respondent to consider the representation made by the petitioner on 23.5.2020 and to take action against the 4th respondent in accordance with section 82 of the Registration Act and the relevant Circulars.

2. The case of the petitioner is that the properties were originally owned by his father and a conditional Settlement Deed was executed on 7.9.1940 in the name of his mother. The further case of the petitioner is that the third respondent has fraudulently executed a Settlement Deed on 11.12.2019 in favour of his wife, who is the 4th respondent and the same has been registered by the 2nd respondent. There are civil suits that are pending in this regard. It is further alleged in the affidavit that a representation was given by the petitioner on 23.5.2020 to the 1st respondent for taking necessary action against the 3rd and 4th respondents in accordance with the Registration Act and the relevant Circulars, in particular, Circular dated 8.11.2017. Since the representation was not acted upon by the 1st respondent, the present writ petition has been filed seeking for appropriate directions.

3. Heard Mr.R. Neelagandan, learned counsel appearing for the petitioner and Mr. Pappiah, learned Special Govt. Pleader, who took notice on behalf of the 1st and 2nd respondents.

4. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 1st respondent to consider the representation made by the petitioner on 23.5.2020 and deal with the same strictly in accordance with the Registration Act and the relevant Circulars. Before proceeding further with the enquiry, the 1st respondent is directed to issue notice to the 3rd and 4th respondents and give them opportunity before passing any final orders. This process shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. The petitioner is directed to make a fresh representation to the 1st respondent along with a copy of the representation dated 23.5.2020 and a copy of this order.

6.The writ petition is disposed of accordingly. No costs.
Consequently, connected WMP.No.11312 of 2020 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

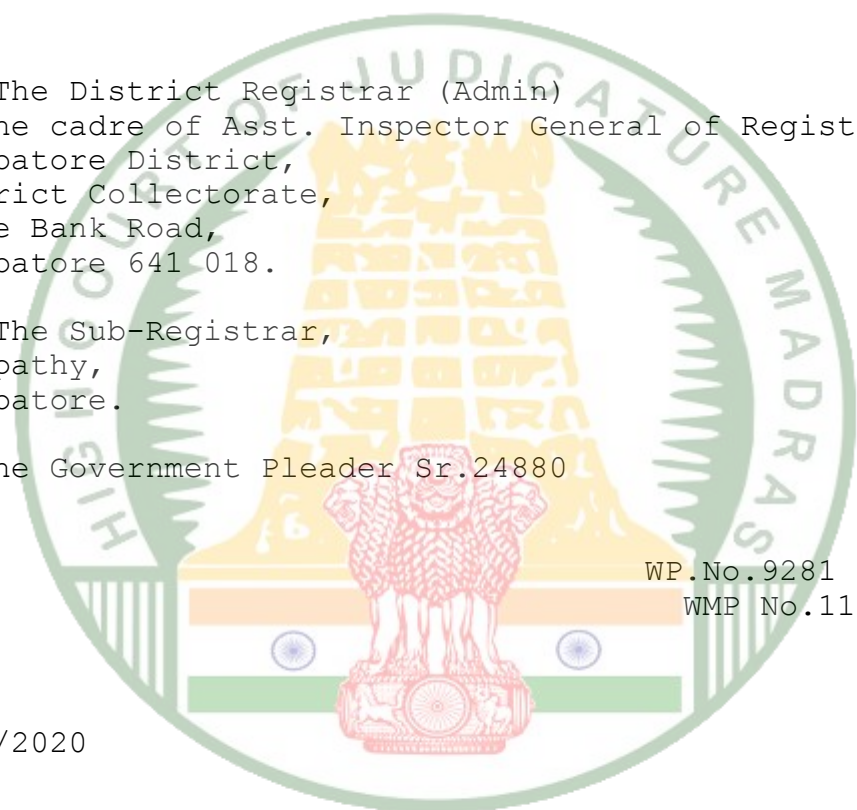
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in the cadre of Asst. Inspector General of Registration,
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2. The Sub-Registrar,
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Coimbatore.

+1cc to the Government Pleader Sr.24880

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pvs[co]
srg 25/08/2020

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion standing in front of it. The lion is facing forward and is flanked by two smaller lions. The entire scene is set against a background of horizontal stripes in orange, white, and green. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular border around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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