

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.08.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP.No.10765/2020 & WMP.No.13080/2020

Rajesh @ Rajesh Krishnan

.. Petitioner

Versus

1. The District Registrar
Ariyalur, Ariyalur District.

2. The Sub Registrar
Perambalur, Perambalur District.

3. Mrs.Vasantha

.. Respondents

Prayer:-Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to cancel the forged registration with the 2nd respondent Doc.No.745/2020 dated 19.02.2020 based on the petitioner's representation dated 12.05.2020 within a time frame that may be fixed by this Court.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.T.M.Pappiah, Spl.GP

ORDER

(1) This writ petition has been filed for the issue of a writ of mandamus directing the 2nd respondent to consider the objection made by the petitioner and not to register any documents submitted by the 3rd respondent with respect to the subject property.

(2) The case of the petitioner is that the property originally belonged to the grandmother of the petitioner and she settled the property in favour of the petitioner's father. The 3rd respondent is the mother of the petitioner. It is the further case of the petitioner that the father of the petitioner was murdered by one Alagarasan who is said to have had illicit relationship with the 3rd respondent. Ultimately, he was also convicted and sentenced to life imprisonment. According to the petitioner, the patta also stood in his name and his grandmother was his guardian when the petitioner was a minor.

- (3) The further case of the petitioner is that the 3rd respondent, by threat and inducement, got a Sale Deed executed in her favor and transferred the patta in her name. The petitioner, immediately made a representation / objection before the 2nd respondent not to register any document submitted by the 3rd respondent. The petitioner has also given a police complaint against the 3rd respondent and the said Alagarasan for the illegal Sale Deed executed in favour of the 3rd respondent and the investigation is pending in Crime No.2 of 2020 before the District Crime Branch, Perambalur. The grievance of the petitioner is that the 2nd respondent is not considering the objection given by the petitioner and the 3rd respondent is attempting to further alienate the property. Left with no other option, the present writ petition has been filed before this Court seeking for appropriate direction.
- (4) Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the respondents 1 and 2.
- (5) Taking into consideration the facts and circumstances of the case and also of the fact that already the investigation is pending with regard to the alleged Sale Deed executed in favour of the 3rd respondent, there shall be a direction to the 2nd respondent to consider the objection given by the petitioner on 12.05.2020 in line with the Circular already issued by the Inspector General of Registration, as and when any document is presented by the 3rd respondent. The 3rd respondent shall be put on notice with regard to the objection given by the petitioner.
- (6) The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1. The District Registrar
Ariyalur, Ariyalur District.
2. The Sub Registrar
Perambalur, Perambalur District.

+1 cc to the Government Pleader, Sr.No.27536

WP.No.10765/2020

pvs (co)
rr ii (07/09/2020)