

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.33959 of 2019  
and  
W.M.P.No.34543 of 2019

Sumathi

... Petitioner

-Vs-

1. The Inspector General of Registration,  
O/o. Inspector General of Registration,  
Santhome High Road,  
Chennai.
2. The District Registrar,  
Registration Office,  
Cutcherry Road, Mayiladuthurai,  
Nagapattinam District.
3. The Joint Sub Registrar No.2,  
Mayiladuthurai,  
Nagapattinam District.
4. K.Rengasamy
5. T.Baskar
6. T.Sekar
7. T.Shankar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the representation of petitioner dated 31.12.2018 and pass necessary orders for prosecution of 4<sup>th</sup> respondent as per Section 83 of Registration Act and for cancellation of settlement deed executed by him dated 27.12.2018.

For Petitioner : Mr.S.Sounthar

For RR1 to 3 : Mr.T.M.Pappiah  
Special Government Pleader

ORDER

This writ petition has been filed for the issue of Writ of Mandamus directing the respondents 1 to 3 to consider the representation made by the petitioner on 31.12.2018 and pass appropriate orders in accordance with law.

2. The case of the petitioner is that she is the owner of the property and the patta also stands in her name. The petitioner is claiming ownership by virtue of a Will executed by her father. The fourth respondent tried to interfere with the possession of the property and therefore the father of the petitioner filed a suit against him in O.S.No.326 of 2003. The suit was also decreed. Thereafter the fourth respondent attempted to interfere with the possession of the property, which resulted in the petitioner's father filing E.P.No.94 of 2011. The fourth respondent was brought before the Court and he gave an undertaking not to interfere with the possession and enjoyment of the property.

3. The grievance of the petitioner is that the fourth respondent without any right, title or authority over the property has proceeded to execute the settlement deed in favour of respondents 5 to 7 on 27.12.2018. The petitioner had therefore made a representation before the respondents 1 to 3 to take action against the fourth respondent under Section 82 of the Registration Act, 1908 and to commence a prosecution under Section 83 of the Act. Since the same was not considered, the present writ petition has been filed before this Court.

4. The petitioner has sought for consequential direction for cancellation of the document. This relief claimed by the petitioner cannot be granted by this Court and the petitioner has to necessarily workout her rights only before the competent Civil Court. Therefore, this Court confines this writ petition only insofar as the action to be initiated by the official respondents against the fourth respondent.

5. Heard Mr.S.Sounthar, learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.N.Elumalai, learned counsel appearing for the respondents 4 to 7.

6. Taking into consideration the facts and circumstances of the case, there shall be a direction to the second respondent to consider the representation made by the petitioner on 31.12.2018 and deal with the same strictly in accordance with law after hearing the necessary parties and pass final orders within a period of six weeks from the date of receipt of a copy of this order.

7. The petitioner is directed to make a fresh representation to the second respondent along with a copy of the representation dated 31.12.2018 and a copy of this order.

8. This Writ Petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Inspector General of Registration,  
O/o. Inspector General of Registration,  
Santhome High Road,  
Chennai.
2. The District Registrar,  
Registration Office,  
Cutcherry Road, Mayiladuthurai,  
Nagapattinam District.
3. The Joint Sub Registrar No.2,  
Mayiladuthurai,  
Nagapattinam District.

+1cc to Mr.S.Sounthar, Advocate, S.R.No.20888  
+1cc to the Government Pleader, S.R.No.21638

W.P.No.33959 of 2019  
and W.M.P.No.34543 of 2019

RJI (CO)  
RSI (21/05/2020)

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