



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2020

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P(MD).No.12090 of 2020

WEB COPY

Radha

.. Petitioner

Vs.

1.The Inspector General of Registration Department,
100, Santhom Road, Mullima Nagar,
Manthaivelipakkam, Raja Annamalaipuram,
Chennai - 600 028.

2.The District Registrar,
District Collectorate Office,
Kokkirakulam,
Tirunelveli District.

3.The Sub Registrar,
Sub Registrar Office,
Pettai, Tirunelveli District.

4.The Inspector of Police,
Pettai Police Station,
Tirunelveli District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents No.1 to 3 to cancel the forged sale deeds vide document Nos.2402/2012 and 2403/2012 dated 12.04.2012 the property of ayan punja land to an extent of 2400 sq. ft. and 222.9 sq.mtr. In 5.51 cents in Old Survey No.790 and New Survey No.790/12, the above land was decided in housing plot by the Tirunelveli City Corporation in Ma.Pee.Ma.(Thee.Ka) No.17/75 and the above land is Plot No.52 is located at Suthamalli Village, Tirunelveli Taluk, Pettai Sub Registrar Office Limit, Tirunelveli District and consequently 4th respondent to take appropriate action against them by considering the petitioner's representation dated 10.07.2020.

For Petitioner : Mr.J.Selvakumar

For Respondents : Mr.K.Sathiya Singh
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner for issuance of Writ of Mandamus directing the respondents 1 to 3 to

<https://hcservices.courts.tn.in/hcservices>



12.04.2012 and 4th respondent to take action against P.K.Mohamed Ali and R.Raj, who were created the above forged document.

2.The case of the petitioner is that the petitioner purchased an ayan punja land to an extent of 5.51 cents in Old Survey No.790 and New Survey No.790/12 at Suthamalli Village, Tirunelveli Taluk, Pettai Sub Registrar Office Limit, Tirunelveli District as per the document No.1519 of 2009 dated 30.03.2009 and the same was converted as a house site by the Tirunelveli City Corporation in Ma.Pee.Ma.(Thee.Ka.) No.17/75). Thereafter, the petitioner married one Muthukumar on 07.04.2013 and gave birth a female child namely Swetha on 01.10.2016. In the meantime, on 12.04.2012, one R.Raj had executed two sale deeds in favour of one P.K.Mohammed Ali, in respect of the above said property, by misrepresenting Mrs.S.Radha as his wife and she died on 14.11.2020 and he is the only legal heir of Mrs.S.Radha. Through the Encumbrance Certificate dated 28.09.2018, the petitioner came to know about the execution of the above forged sale deeds. Therefore, on 10.07.2020, she lodged a complaint before the respondents to take action against the persons who created the above forged sale deeds and to cancel the above said forged sale deeds. But, so far the respondents have not take any steps on the representation given by the petitioner and the same is still pending before the second respondent. Hence, the petitioner has come forward with the present writ petition.

3.Heard Mr.J.Selvakumar, learned counsel appearing for the petitioner and Mr.K.Sathiya Singh, learned Additional Government Pleader, who takes notice for the respondents and perused the records.

4.The learned Additional Government Pleader submits that necessary action will be taken on the representation dated 10.07.2020, given by the petitioner as per Section 83 of the Registration Act and the Circular of the Inspector General of Registration in Letter No.41530/U1/2017 dated 09.04.2018.

5.Taking note of the nature of the complaint and the limited scope of the prayer sought for by the petitioner in this petition, without expressing any opinion on the merits of the case, this Court is inclined to dispose of this writ petition with the following directions.

(i)The second respondent is directed to enquire the complaint made by the petitioner dated 10.07.2020, under Section 83 of the Registration Act as well as the Circular of the Inspector General of Registration in Letter No.41530/U1/2017 dated 09.04.2018, by serving notice to the aggrieved persons and after conducting enquiry, to pass appropriate orders on merits and in



accordance with law and the same shall be communicated to the parties concerned. The entire exercise shall complete within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Inspector General of Registration Department,
100, Santhom Road, Mullima Nagar,
Manthaivelipakkam, Raja Annamalaipuram,
Chennai - 600 028.
2. The District Registrar, District Collectorate Office,
Kokkirakulam, Tirunelveli District.
3. The Sub Registrar, Sub Registrar Office,
Pettai, Tirunelveli District.
4. The Inspector of Police,
Pettai Police Station, Tirunelveli District.

+1 CC to SGP (SR-17516[F] dated 21/09/2020)

W.P (MD) .No.12090 of 2020
18.09.2020

AL(CO)

KM (29.09.2020) 3P 6C