



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.15096 of 2020

P.Vadivelan

... Petitioner

-Vs-

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2.The District Registrar,
Integrated Complex of Registration Department,
TNAU Nagar, Rajakampeeram,
Y.Othakadai, Madurai-625 107.

3.The Sub-Registrar,
Sub Registrar Office,
Kambur Road,
Kallizhar Mahal Backside,
Karunkalakkudi, Melur Taluk,
Madurai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the first and second respondents to initiate action against the third respondent by considering the petitioner's representation dated 11.06.2020.

For Petitioner	: Mr.R.Aravind Raj
For Respondents	: Mr.M.Murugan Government Advocate.

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the first and second respondents to initiate action against the third respondent by considering the petitioner's representation dated 11.06.2020.

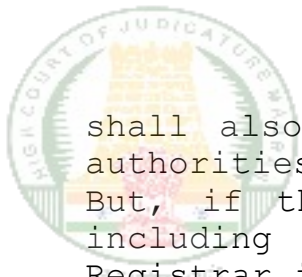
2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



3.Mr.M.Murugan, learned Government Advocate accepts notice on behalf of the respondents.

4.According to the petitioner, the land in Survey No.19/6B to the extent of 33 cents situated at Valaicherypatti Village, Karungalakudi, Madurai District belongs to the father of the petitioner, namely, Palaniyandiservai. His father has executed a Lease Deed vide Document No.1505 of 2004 in favour of one Kala, W/o.Boominathan for a period of 10 years and the said lease was expired on 22.11.2014. The father of the petitioner has gifted the petition mentioned property to the petitioner by executing a Gift Deed in Document No.2489 of 2010, dated 13.10.2010 before the Sub Registrar Office, Karungalkudi and the revenue records also mutated in Patta No.808 through an order in RTR No.6470/2010, dated 06.01.2011. When the petitioner has applied for encumbrance certificate for the petition mentioned property, he came to know that the said Boominathan, who is the husband of the said Kala, erstwhile lessee of the petition mentioned property, has induced the father of the petitioner. Under coercion, his father has executed the unilateral cancellation deed in Document No.413 of 2011, dated 11.02.2011, registered on 14.02.2011 by suppressing the mutation of name in revenue record, cancelling the Gift Deed in Document No.2489 of 2010. Subsequently, his father has executed the sale agreement in favour of the said Kala in Document No.414 of 2011. In the meantime, his father expired on 08.10.2011. When the petitioner has entered into the petition mentioned land, the said Kala with an intention to grab the land threatened the petitioner. Hence, the petitioner has filed a complaint on 17.01.2016 before the Superintendent of Police, Madurai District and the same was registered in Crime No.59 of 2016 for the offence under Section 145 of Cr.P.C. The matter has been referred to the Revenue Divisional Officer, Madurai. The Revenue Divisional Officer, Madurai has taken up the matter on 18.01.2019 and came to the conclusion that the land in question belongs to the petitioner and directed the parties to get remedy before the Civil forum. Aggrieved over the unilateral cancellation of gift deed in Document No.413 of 2011, dated 11.02.2011 registered on 14.02.2011, the petitioner has filed W.P. (MD)No.14371 of 2019 and the same is pending. In the meantime, the petitioner has made a representation on 11.06.2020 to the respondents 1 and 2, seeking them to initiate action against the third respondent, who registered the unilateral cancellation deed in Document No.413 of 2011, dated 11.02.2011, registered on 14.02.2011. However, the same has not been considered so far. Hence, the petitioner has approached this Court, seeking aforesaid prayer.

5.This Court is of the considered view that since serious allegations are made against the authorities concerned, an enquiry shall be conducted and appropriate action will be taken, within a period of four months from the date of receipt of a copy of this order and in the enquiry, the persons, who are going to be affected



shall also be heard. If there is any error, it is open to the authorities to rectify it in terms of Section 68(2) of the Act. But, if there is any wilful act, certainly, appropriate action, including criminal action will have to be taken against the Sub-Registrar in terms of Section 83 of the Act.

WEB COPY

6. Accordingly, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Myr

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,
No.100, Santhome High Road,
Chennai.
2. The District Registrar,
Integrated Complex of Registration Department,
TNAU Nagar, Rajakampeeram,
Y.Othakadai, Madurai-625 107.
3. The Sub-Registrar,
Sub Registrar Office,
Kambur Road,
Kallizhar Mahal Backside,
Karunkalakkudi, Melur Taluk,
Madurai District.

Order made in
W.P. (MD) No.15096 of 2020
02.11.2020

VB (11.11.2020) 3P 4C

<https://hcservices.ecourts.gov.in/hcservices/>