



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.18716 of 2020

R.Thangamani

... Petitioner

Vs.

1.The Registrar General-cum-Chairman,
Department of Registration,
No.100, Santhome High Road,
Chennai-600 028.

2.The Deputy Registrar,
Department of Registration,
Coordinated Registration Complex,
Thirumogur Road, Othakadai,
Madurai - 625 107.

3.The District Registrar,
Dindigul District.

4.The Sub Registrar,
Batlagundu, Dindigul.

5.The Tahsildar,
Periyakulam Taluk,
Theni District.

6.The Village Administrative Officer,
Genguvarpatti Firka-II,
Periyakulam Taluk,
Theni District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents herein to consider and dispose of the representation of the petitioner dated 12.10.2020 for cancellation of fraudulent settlement dated 06.10.2020 vide Doc.No.2770/2020 on the file of the 4th respondent and for conduct of enquiry under Section 10 of the Tamil Nadu Patta Pass Book, within a reasonable time that may be fixed by this Court.



For Petitioner
For Respondents

: Mr.K.Appadurai
: Mr.K.Sathiya Singh
Additional Government Pleader

ORDER

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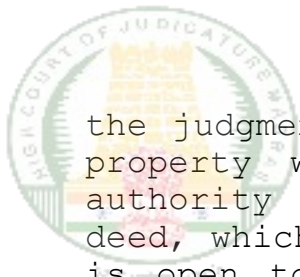
The petitioner has come forward with this Writ Petition, seeking a direction to the respondents herein to consider and dispose of the representation of the petitioner dated 12.10.2020 for cancellation of fraudulent settlement dated 06.10.2020 vide Doc.No.2770/2020 on the file of the 4th respondent and for conduct of enquiry under Section 10 of the Tamil Nadu Patta Pass Book, within a reasonable time that may be fixed by this Court.

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

3. Mr.K.Sathiya Singh, learned Additional Government Pleader accepts notice on behalf of the respondents.

4. The case of the petitioner is that the petitioner's father has purchased the property in Survey No.5200/2 to an extent of 39 cents on 03.01.1977 in the name of his elder brother, Karuthapandi apart from that he has several ancestral properties in Genguvarpatti. Including the said Karuthapandi, the petitioner, his sister and his mother are the legal heirs of the petitioner's father. On the demise of the petitioner's father and sister, there was no partition between the petitioner and his mother and now, the petitioner is in physical possession of his ancestral properties comprised in Survey Nos.2500/2, 2501/2A1, 2496/2F, 2501/1B, 2519/3D, 2524/3 and 2496/2D at Genguvarpatti Village, Periyakulam Taluk, Theni District. Suddenly, his elder brother, Karuthapandi had obtained a fraudulent patta in his name for the aforesaid ancestral properties as well as the property purchased by his father and thereafter, he executed a registered settlement deed dated 06.10.2020 in Doc.No.2770/2020 on the file of the fourth respondent, in favour of his son Thavasilingam. Hence, the petitioner sent a representation on 12.10.2020 to the first respondent to take action in this regard. However, the same has not been considered so far. In such circumstances, the petitioner has approached this Court.

5. Considering the facts and circumstances of the case, this Court is of the view that according to the petitioner, the property belongs to the family of the petitioner. But the petitioner's brother, vide deed of settlement has settled the entire property in his son's name alone. Whether the authority was right in doing it or not, is to be decided by the appropriate Civil forum. In case, there is a fraudulent deed based on the observations made by the Civil Court, appropriate criminal action would be initiated apart from the fact that in case, the petitioner gets the benefit of



the judgment and decree, the entire property or the portion of the property would be settled in the name of the petitioner. The authority has no power to adjudicate and cancel the registration deed, which is already registered. It is needless to mention that it is open to the authorities concerned to enquire the matter under Sections 68(2) of the Registration Act, 1908, and thereafter, the concerned authority may invoke Section 83 of the said Act and to ascertain as to whether the Registrar has got any clandestine role in registering the above said properties.

6. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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.

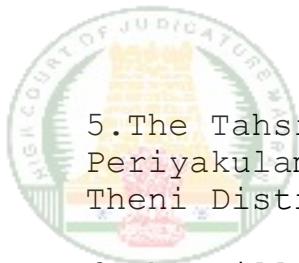
To

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Theni District.

+1cc to the SPL GP SR.No.26590.

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CS (20.01.2021) 4P 8C