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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.15444 of 2021

P. Selvam

.. Petitioner

Vs

1. The District Registrar,
Office of District Registrar,
Chidambaram,
Cuddalore District 608 001.

2. The sub-Registrar,
Office of the Sub-Registrar,
Kattumannarkoil,
Cuddalore District 608 301.

3. Gokul (minor)

4. Gopi (minor)
(R3 & R4 represented by their father and
natural guardian K.Sekar,)

.. Respondents

(R3 & R4 impleaded vide order dated 16.07.2021
made in WMP.No.15660 of 2021)

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to conduct enquiry under Section 68(2) of Registration Act 1908 on petitioner's complaint dated 23.12.2020 to the 2nd respondent and on the representation dated 21.01.2021 to the first respondent and based on the enquiry, take appropriate action to cancel the registration of settlement deed vide doc.no.198 of 2013.

For petitioner ... Mr.A. Panneerchelvam

For respondents ... Mr. Yogesh Kannadasan
Government Advocate
for R1 & R2



ORDER

This writ petition has been filed seeking a direction to the first respondent to conduct enquiry under Section 68(2) of Registration Act 1908 on the complaint dated 23.12.2020 given before the 2nd respondent.

2. According to the petitioner, the petitioner's father has purchased a property in S.No.85/3 in Chettithangal Madura Kandamangalam Village, to an extent of 0.32 cents from one Sreenivasa Konar in the year 1977. After purchase, he is in possession and enjoyment of the same till his death, i.e. 03.07.1999 and thereafter, his legal heirs, including the petitioner, are in possession. While so, in the year 2013, his vendor's daughter has executed a fraudulent settlement deed in favour of the respondents 3 and 4, who are her grandchildren. Immediately after coming to know the same, the petitioner made a complaint before the first respondent/District Registrar to conduct enquiry on the fraudulent transaction. But, that has not been disposed of till date. Hence, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that since the matter is pending with the first respondent, he made a complaint to the Inspector General of Registration. The Inspector General of Registration also directed the first respondent to conduct enquiry on the complaint. The learned counsel would further submit that he will be satisfied if the first respondent is directed to proceed with the enquiry and pass suitable orders after hearing the parties.

4. In view of the nature of the order going to be passed in the writ petition, which no way prejudice the interest of the respondents 3 and 4, notice to the respondents 3 and 4 is dispensed with.

5. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2.

6. Considering the facts and circumstances of the case and considering limited prayer sought for in the writ petition, and the petitioner's complaint is pending with the first respondent, the first respondent is directed to conduct enquiry on the petitioner's complaint and pass suitable orders, on merits and in accordance with law, after giving opportunity to the petitioner as well as the guardian of the respondents 3 and 4, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO-VII)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The District Registrar,
Office of District Registrar,
Chidambaram,
Cuddalore District 608 001.
2. The sub-Registrar,
Office of the Sub-Registrar,
Kattumannarkoil,
Cuddalore District 608 301.

+1cc to Mr.A. Panneerchelvam, Advocate, S.R.No.35896

+1cc to the Government Pleader, S.R.No.36282

W.P. No. 15444 of 2021

SV-I (CO)
CT(19/08/2021)