



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.19902 of 2021

and

W.M.P.No.21146 of 2021

1. John Peter Williams
2. Joyee Williams
3. Luke Vincent Williams
4. Poongudi Williams
5. Joshua Paul (Minor)
Represented by his mother guardian
Poongudi Williams
Petitioners 2 to 4 represented
by their power agent
Mr. John Peter Williams

...Petitioners

Vs.

1. The Inspector General of Registration,
100, Santhome High Road,
Raja Annamalai Puram,
Chennai - 600 028.
2. The Sub Registrar,
Office of the Sub Registrar,
Alandur - 600 114.
3. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.
4. The Tahsildar,
Alandur, Chennai - 600 016.
5. The District Registrar (Admin) Chennai South,
Nandanam, Chennai - 600 035.
6. Mrs. Radhika Kannan

...Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the 5th respondent to make an enquiry as per circular dated 08.11.2017 letter number 41530/U1/2017 based on the representation dated 17.08.2021 given by the first petitioner and consequently direct the 2nd respondent to remove the entry of fraudulent settlement deed dated 05.06.2014 in Document No.2584 of 2014 from their records.

For Petitioners : Mr.V.Kadhirvelu

For Respondents : Mr.Yogesh Kannadasan
for R1, R2, R4 & R5
Government Advocate
Mrs.Karthikaa Ashok for R3
Sr.Standing Counsel for Corporation

ORDER

This writ petition has been filed for a mandamus to direct the fifth respondent to conduct an enquiry as per Circular dated 08.11.2017 Letter No.41530/U1/2017 based on the representation dated 17.08.2021 given by the first petitioner and consequently direct the second respondent to remove the entry of fraudulent Settlement Deed dated 05.06.2014 in Document No.2584 of 2014 from their records.

2.The case of the petitioner is that the first and third petitioner are the sons and the second petitioner is the daughter of the deceased Late Arumugam Ethiraj @ George Williams, the fourth respondent is the wife of the late Gerald Williams and the fifth respondent is the wife of a property bearing Plot Nos.47 and 48, S.No.72 at Thiruvalluvar Street, Adambakkam Village measuring an extent of 6195 sq.ft. was originally owned by Mr.Arumugam Ethiraj alias George Williams viz., father of the petitioners purchased the same from one Sri N.V.B.Sankara Rao through a Sale Deed dated 08.12.1965 registered as Document No.3987 of 1965 before the Sub Registrar, Saidapet.

3.The petitioners submit that their father purchased another property through a Sale Deed dated 16.03.1962 vide Document No.663/62 before the Sub Registrar, Alandur bearing Paimash No.848 and subsequently constructed a building bearing Old Door No.26A, New Door No.16/35, 1st Morrison Street, Alandur, Chennai - 16.

4.The petitioners further submit one Dhanalakshmi who allegedly claims to be the daughter of their father Arumugam Ethiraj alias George Williams stating that he was married to one



Indirani during the year 1945 and out of the said wedlock Dhanalakshmi was born to them during the year 1950 and obtained a forged death certificate from the third respondent as if their father died on 31.12.1984 at No.7, Thiruveetiamman Koil Street, Porur, Chennai and based on the above said forged Death Certificate and she has obtained a forged Legal Heir Certificate from the fourth respondent stating that she is the only legal heir of their father.

5. According to the petitioners, they have taken steps to cancel the aforesaid documents.

6. The petitioners submit that based on the above said forged and fabricated documents from the respondents 3 and 4, the deceased Dhanalakshmi had executed a Settlement Deed dated 05.06.2014 registered as Document No.2584 of 2014 before the Sub Registrar, Alandur in favour of her daughter Radhika Kannan viz., the fifth respondent herein.

7. According to the petitioners, the said Dhanalakshmi during her life time and her daughter viz., the fifth respondent herein and her husband Kannan with criminal intention conspired together and created false Legal Heir Certificate, I.D. Proof and submitted before the second respondent in order to grab the suit schedule property which is worth more than Rs.one crore.

8. The petitioners submit that they are the one and only legal heirs of the deceased Arumugam Ethiraj alias George Williams.

9. The petitioners further submit that the fifth respondent has no right, claim or title over the suit properties and she is no way connected to the suit property.

10. According to the petitioners, in order to grab their suit properties, the fifth respondent's mother after lapse of nearly 27 years come up with a false story that she is the only daughter and created forged and fabricated documents whereas the petitioners came to know about the same only after obtaining the said document from the Office of the Sub Registrar on 27.07.2017.

11. The petitioners have no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

12. Heard, learned counsel for the petitioners and the learned Government Advocate for the respondents 1, 2, 4 and 5 and the learned counsel for the third respondent and perused the materials available on record.



13. In the above facts and circumstances and considering the submission made by the petitioners, this Court directs the fifth respondent to conduct enquiry as per circular dated 08.11.2017 letter number 41530/U1/2017 based on the representation dated 17.08.2021 sent by the first petitioner and this Court also directs the second respondent shall consider and pass appropriate orders in accordance with law after affording an opportunity to all the necessary parties, within a period of five months from the date of receipt of a copy of this order.

14. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

pam

To

1. The Inspector General of Registration,
100, Santhome High Road,
Raja Annamalai Puram, Chennai - 600 028.
2. The Sub Registrar,
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Alandur - 600 114.
3. The Commissioner,
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4. The Tahsildar,
Alandur, Chennai - 600 016.
5. The District Registrar (Admin) Chennai South,
Nandanam, Chennai - 600 035.

+1cc to Mr.Kadhirvelu, Advocate, S.R.No.47994
+1cc to M/s.Karthikaa Ashok, Advocate, S.R.No.47920
+1cc to the Government Pleader, S.R.No.48594

W.P.No.19902 of 2021

MG(CO)
RGA(22/11/2021)