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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No. 17893 of 2021

M.S. Karthikeyan

...Petitioner

Versus

1. The District Registrar (Admin.),
Office of the District Registrar,
Coimbatore - 641 018.
2. C. Poovathal
3. K. Duraisamy
4. R. Subbanna Gounder
5. S. Karuppasamy

...Respondents

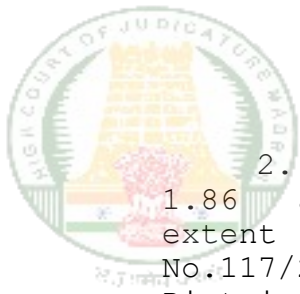
Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to forthwith conduct an enquiry on the complaint of the petitioner dated 05.01.2021 and the reminder dated 12.08.2021 based on the Circulars dated 08.11.2017 in Circular No.41530/UI/2017, and the Circular dated 31.07.2018 in Circular No.41530/UI/2017 of The Inspector General of Registration.

For Petitioner : Mr. K. Selvaraj

For Respondent-1 : Mr. Yogesh Kannadasan,
Government Advocate.

ORDER

This writ petition is filed for issuing a writ of mandamus directing 1st respondent to forthwith conduct an enquiry on the complaint of the petitioner dated 05.01.2021 and the reminder dated 12.08.2021 based on the circular circular No.41530/UI/2017, dated 08.11.2017 and the circular No.41530/UI/2017, dated 31.07.2018 of the Inspector General of Registration.



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2. The petitioner's grandfather purchased the land measuring 1.86 acres out of 3.72 acres in Survey No.33/2 and another extent of land measuring 2.78 ares out of 5.56 acres in Survey No.117/2 at Kittampalayam Village, Palladam Taluk, Coimbatore District, by registered sale deed, dated 18.07.1941 vide Doc.No.944 of 1941. In the meanwhile, the petitioner's grandfather died on 29.10.1965, leaving behind his son and wife. Now, the petitioner is the absolute owner of the above said two properties. Subsequently, the petitioner has applied for encumbrance certificate for the above said properties on 30.07.2021. Thereafter, the petitioner came to understand that the second respondent herein has executed a settlement deed dated 14.07.1995 in favour of her husband in respect of the property of the petitioner and her husband has executed a mortgage deed in favour of the third respondent in respect of the above said property on 03.03.1999. Following this, the fourth respondent has executed a settlement deed in favour of the fifth respondent on 05.02.2007 in respect of the above said properties of the petitioner. In fact, all the above documents are fraudulent documents executed by the respondents herein. Thereafter, the second respondent filed the suit in O.S.No.571 of 1993 for partition, before the Sub Court, Thiruppur and the same was dismissed, by judgment dated 13.08.2004. After getting the fraudulent documents, the petitioner lodged a complaint dated 05.01.2021 before the first respondent requesting him to conduct an enquiry into the above said fraudulent documents. Hence, no action was taken by the respondent/Registrar on the petitioner's complaint dated 05.01.2021 and 12.08.2021.

3. Though the prayer sought in this writ petition is to issue a direction to the first respondent to extend the benefits of the Circular No.41530/UI/2017, dated 08.11.2017 and 31.07.2018 respectively of the Inspector General of Registration, to the petitioner, learned counsel appearing for the petitioner states that the petitioner will be satisfied if a direction is issued to the first respondent to consider and pass orders on the petitioner's representation dated 05.01.2021 and 12.08.2021.

4. Having regard to the limited scope of prayer that is now sought before this Court by the learned counsel for the petitioner, without expressing any opinion on the merits of the petitioner's representation or the case pleaded before this Court, this Court directs the first respondent to consider and dispose of the representation of the petitioner dated 05.01.2021 and 12.08.2021, in the light of the circular No.41530/UI/2017, dated 08.11.2017 and 31.07.2018 respectively of the Inspector General of Registration, within a period of twelve weeks from the date of receipt of a copy of this order.



5. With the above direction, this writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msm

To

The District Registrar (Admn.),
Office of the District Registrar,
Coimbatore - 641 018.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.43157

+1cc to the Government Pleader, S.R.No.43654

W.P.No.17893 of 2021

PMK(CO)
RGA(08/09/2021)