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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.19646 of 2021

Dr.J.V.Mahendran.

... Petitioner

Versus

1.The Inspector General of Registration,
O/o. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.

2.The District Registrar (Admin),
O/o. District Registrar Office,
Velappadi - Post,
Vellore - District.

3.The Sub Registrar,
O/o. Sub Registrar Office,
Jolarpettai - Post,
Tirupattur - District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to conduct the enquiry and pass an order as per direction given by the 1st respondent/The Inspector General of Registration, Chennai, in Letter N.2814/E/2020, dated 27.01.2021 on the basis of petition dated 13.01.2020.

For Petitioner : Mr.D.Veerasekharan

For Respondents : Mr.Yogesh Kannadasan,
Government Advocate.

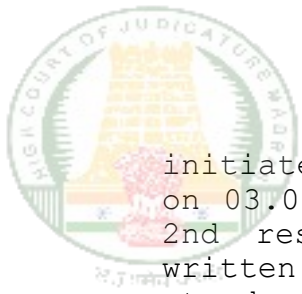
ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 2nd respondent to conduct an enquiry and pass an order as per the direction given by the 1st respondent/Inspector General of Registration, Chennai, in Letter No.2814/E/2020, dated 27.01.2021 on the basis of petition dated 13.01.2020.



2. According to the petitioner, he is a retired Professor of Neuro Surgery, Madras Institute of Neuro Surgery, Government General Hospital and Madras Medical College, Chennai, and now he is serving as consultant. He is hailing from Jolarpettai of Tirupattur District. His father made a Settlement Deed among with his three sons relating to the ancestral properties in the year 2009. He is the elder son, running a hospital in the name and style of "VHM Hospital Pvt. Ltd., and settled down in Chennai. The petitioner's younger brother living in USA and another brother working in Kuwait and the youngest brother settled in U.S.A., and did not claim his share made by his father in the year 2009. Hence, in the year 2018, petitioner's father is forced to revoke his share made in the Settlement deed in the year 2009 and subsequently his father settled his younger brother's share to the petitioner by way of another settlement deed in the year 2019.

3. According to the petitioner, based on the settlement deed in the year 2018 and 2019, now he became the owner of property of wet land to an extent of 64 cents in Survey No.45/3A, 1A and 45/3B of Punganoor Village, Yelagiri Hills, Tirupattur District. The aforesaid property is a ancestral property since 1939 onwards measuring to an extent of 7.38 Acres Punganoor Village, Yelagiri Hills. In the year 1975, his father executed a Sale Deed measuring to an extent of 47 cents in Survey No.45/3A of Punganoor Village, Yelagiri Hills, Tirupattur District, to one Sridevan for sale consideration. After the death of Sridevan, the said property was transferred into his legal heirs. During the life time of legal heirs, the land was sub divided in the year 2005 and Patta No.90 was issued to an extent of 15 Ares or 37.05 cents as available on site to his legal heirs. The said legal heirs sold the above said property to M/s.Nithiyanantham and Karthick in Document No.2898 of 2018 and 2899 of 2019 dated 11.11.2019, after getting patta for 19 Ares in Survey No.45/29 of Punganoor Village under valid sale consideration. Subsequently, the Village Administrative Officer of Yelagiri and Deputy Tahsildar, Tirupattur and the Deputy Tahsildar, Tirupattur are wantonly issued 19 Acres or 46.93 Cents instead of 15 Acres or 37.05 Cents in Survey No.45/29. As per the FMB sketch from 2005 to 2018 is clearly indicated about the 15 Acres or 37.05 Cents. But the said officials altered the Revenue Records/FMB Sketch and trespassed into his land nearly of 42 cents in Survey No.45/3A, 1A of Punganoor Village, Yelagiri Hills, Tirupattur District and now the remaining 14 cents of land alone available instead of 64 cents. Finally, he sent a petition before the first respondent on 13.01.2020, based on which, the first respondent directed the second respondent to conduct an enquiry relating to the fraudulent document in Doc.No.2898 of 2018 and 2899 of 2019 dated 11.11.2019. On 15.04.2021, the 2nd respondent/District Registrar (Admin)



initiated the enquiry by way of notice with direction to appear on 03.05.2021 along with documents. He had appeared before the 2nd respondent along with 22 relevant documents by way of written submission along with FMB sketch. The said enquiry is stands still without any progress and the reason is not known to the petitioner. Thereafter, two representations dated 06.08.2021 and 09.08.2021 were sent to the respondents to conduct an enquiry, still the respondents have not taken any action on the same. Hence, the petitioner has come forward with the present writ petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 2nd respondent to conduct an enquiry and pass orders as per the direction given by the first respondent/The Inspector General of Registration, Chennai, in Letter N.2814/E/2020, dated 27.01.2021 on the basis of petition dated 13.01.2020.

5. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 2nd respondent to conduct an enquiry as per the direction given by the first respondent/The Inspector General of Registration, Chennai, in Letter No.2814/E/2020, dated 27.01.2021 on the basis of petition dated 13.01.2020 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity to the petitioner within a period of five months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gba/msm

To

1.The Inspector General of Registration,
O/o. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.



2.The District Registrar (Admin),
O/o. District Registrar Office,
Velappadi - Post,
Vellore - District.

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3.The Sub Registrar,
O/o. Sub Registrar Office,
Jolarpettai - Post,
Tirupattur - District.

+lcc to Mr.D.Veerasekaran, Advocate Sr No.47155

+lcc to the Government Pleader Sr No.47879

W.P.No.19646 of 2021

SS (CO)

PR (02/11/2021)