



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.20854 of 2021

M.Vijaya

... Petitioner

-Vs-

1. The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalaipuram, Chennai-28.

2. The District Registrar,
Tambaram District Registrar Office,
Tambaram, Chennai-600 045.

3. The Sub Registrar,
Tambaram Sub Registrar Office,
Tambaram, Chennai.

4.Mr.Devaraj

5.Mr.Parasuram

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation on 31.01.2020 and direct the 3rd respondent not to register any documents in respect of the property situated at Mambakkam Main Road, Vengai Vaasal Village Survey Nos.19/1A, 19/13,171/1,371/3A, 371/3B.

For Petitioner :: Mr.J.Arul Prakasam

For Respondents 1 to 3 :: Mr.Yogesh Kannadasan
Government Advocate

O R D E R

The relief sought for in this writ petition is to direct the respondents to consider the petitioner's representation on 31.01.2020 and direct the 3rd respondent not to register any documents in respect of the property situated at Mambakkam Main Road, Vengai Vaasal Village Survey Nos.19/1A, 19/13,171/1,371/3A, 371/3B.



2. The learned counsel for the petitioner would submit that the petitioner's grandfather Mr. IyaKannuNaicker had only two sons viz., the eldest is DeivaSikamani and the youngest is Loganathan Nayakkar who is the petitioner's father. The property belonged to Mr. IyaKannu Naicker was divided between the brothers. In so far as the share of the petitioner's Father ie. Loganathan Nayakkar in the property was allotted in Survey Nos. 19/1A, 19/13, 171/1, 171/1, 371/3A, 371/3B, Mambakkam Main Road, Vengai Vaasal Village.

3. It has been further submitted that the petitioner's father died intestate leaving behind his two sons and three daughters. After the demise of the petitioner's father, the petitioner and his brothers and sisters have acquired the property. In this situation, the petitioner's brothers Mr. Devaraj and Parasuraman are trying to grab the property illegally after having fabricated the document of the legal heir certificate by hiding the petitioner and his sisters.

4. The learned counsel for the petitioner would further submit that the Tahsildar, Shollinganallur/2nd respondent herein has also issued patta No. 4831 to the above said survey numbers in the name of his brothers. Based on the above said patta, the petitioner's brothers were trying to sell the property to third parties. Hence, the petitioner has given a representation dated 31.01.2020 to the respondents not to register any documents in respect of the property situated at Mambakkam Main Road, Vengai Vaasal Village Survey Nos. 19/1A, 19/13, 171/1, 371/3A, 371/3B, the same has been received by the respondents on 03.02.2020. However, there is no reply received from the respondents in this regard. Hence, the petitioner is left with no other alternative remedy except to approach this Court by invoking its jurisdiction under Article 226 of Constitution of India seeking for a direction to the respondents not to register any document with regard to the aforesaid property.

5. The learned Government Advocate for the respondents 1 to 3 would submit that the petitioner is one of the legal heirs of Late Loganathan Nayakkar, she is entitled for her share in the property. Hence, the petitioner may submit legal heirs certificate before the authority concerned to claim her share in the property belonged to her father. Hence, the respondents 1 to 3 may be directed to conduct enquiry in this regard.

6. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 3 as well as perused the material available on records.

7. Having considered the facts and circumstances of the case and submissions made by the learned counsel on either side, this



Court without expressing any opinion with regard to the merits of the case directs the respondents 1 to 3 to hold enquiry whether any Document has been registered in favour of the 3rd party with regard to the aforesaid property fabricating the legal heirs certificate and other documents. The petitioner is directed to produce the legal heir certificate before the concerned authority to claim her share in the aforesaid property.

8. With the aforesaid directions, the Writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Lbm

To:

1. The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalaipuram, Chennai-28.
2. The District Registrar,
Tambaram District Registrar Office,
Tambaram, Chennai-600 045.
3. The Sub Registrar,
Tambaram Sub Registrar Office,
Tambaram, Chennai.

+1cc to Mr.J.Arul Prakasam, Advocate, S.R.No.50576
+1cc to the Government Pleader, S.R.No.51248

W.P. No.20854 of 2021

NMI (CO)
CT 10/12/2021