



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.21741 of 2021

K. Mariappan

... Petitioner

-Vs-

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.

2. The District Registrar, (Administration),
Court Compound, Velipalayam,
Nagapattinam - 611 001.

3. The Sub-Registrar,
Vedaranyam Sub Registration Office,
Vedaranyam - 614 810.
Nagapattinam District.

4. K. Balasubramanian

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the 2nd respondent to consider and pass appropriate order by invoking the provision of Section 68(2) of Registration Act 1908 as well as following the dictum lay down by this Hon'ble Court and Apex Court on the petitioner representation dated 15.02.2021 and pass appropriate orders accordingly.

For Petitioner :: Mr. R. Marudhachalamurthy

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

For Respondent -4 :: No Appearance

O R D E R

The relief sought for in this writ petition is for a direction to the the 2nd respondent to consider and pass



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appropriate order by invoking the provision of Section 68(2) of Registration Act 1908 as well as following the dictum lay down by this Hon'ble Court and Apex Court on the petitioner representation dated 15.02.2021 and pass appropriate orders accordingly.

2. Heard Mr. R.Marudhachalamurthy, the learned counsel for the petitioner and Mr. Yogesh Kannadasan, the learned Government Advocate for the respondents 1 to 3 as well as perused the material available on records.

3. Having considered the facts and circumstances of the case and submissions made by the learned counsel on either side, it is seen that the subject property belonged to Late Vedambal Achi, was initially bequeathed in favour of the petitioner herein by way of Will dated 06.10.1965. In the meanwhile, the subject property was bequeathed in favour of the 4th respondent herein by virtue of another Will dated 28.12.2018, after canceling the earlier Will dated 06.10.1965 executed in favour of the petitioner herein under Document No.63 of 1965. It is said that while the Will Executor was under the custody of the petitioner herein on the date of execution of another Will dated 28.12.2018, the Will dated 28.12.2018 has been executed in favour of the 4th respondent herein with the connivance of the 3rd respondent herein. Therefore, the petitioner claiming the Will dated 28.12.2018 as fraudulent Will, has sent legal notice dated 31.12.2020 to the 2nd respondent to take legal action against the 3rd respondent herein as per provision of Section 68 of Registration Act, 1908. Since the 2nd respondent has neither taken any action nor conducted any enquiry against the fraudulent document registered in favour of the 4th respondent herein, the petitioner has sent a representation dated 15.02.2021 through registered post to the respondents herein. Even after receipt of the aforesaid representation dated 15.02.2021, it has not been considered nor passed any orders by the competent authority as of now. Hence, this Court without expressing any opinion with regard to the merits of the case, directs the 2nd respondent herein to consider the petitioner's representation dated 15.02.2021 and pass appropriate orders on it within a period of twelve weeks from the date of receipt of copy of this order in accordance with law after holding enquiry in this regard.



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

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SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Lbm
To:

1. The Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.
2. The District Registrar, (Administration),
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Nagapattinam - 611 001.
3. The Sub-Registrar,
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+lcc to the Government Pleader Sr.55391

W.P. No.21741 of 2021

rsv[co]
srg 29/12/2021