



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26616 of 2021

G.Ranganathan

... Petitioner

-Vs-

1. The Inspector General of Registration,
Santhome, Chennai - 600004.
2. The District Registrar,
Office of the District Registrar,
Chennai South, Chennai - 600015.
3. The Sub-Registrar,
Pallavaram,
2nd Main Road, New Colony,
Pallavaram - Chrompet,
Chennai - 600 044.
4. P.Govindarajan

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in ந.க.எண் :9330/இ2/2021 dated 10.11.2021 and quash the same as illegal, arbitrary and violation of principal of natural justice and consequentially direct the second respondent to conduct the enquiry and pass orders on merits as per the Circular 41530/U1/2017 dated 08.11.2017 issued by the first respondent.

For Petitioner : Mr.P.Dinesh Kumar

For R1 to R3 : Mr.Yogesh Kannadasan
Special Government Pleader



ORDER

This Writ Petition has been filed for the issuance of Writ of Certiorari Mandamus, calling for the records relating to the impugned order passed by the second respondent in No. 9330/U1/2021, dated 10.11.2021 and quash the same as illegal, arbitrary and violation of principle of natural justice and consequentially direct the second respondent to conduct the enquiry and pass orders on merits as per the Circular 41530/U1/2017 dated 08.11.2017 issued by the first respondent.

2. Heard Mr.P.Dinesh Kumar, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 to 3.

3. The property comprised in Old Survey No.104, New Survey No.145/17, Vaithiyar Salai, Thirusulam, Pallavaram Taluk, Chengalpattu District belongs to the petitioner's mother. Admittedly, the petitioner's mother was a house wife. After her demise, the petitioner and his father are the legal heirs. However, his father, i.e. the fourth respondent herein, mutated the patta in respect of the entire property in his name and settled the property in favour of the petitioner's son i.e. the grand child of the fourth respondent herein.

4. The petitioner lodged a complaint before the second respondent alleging that he has half share over the property and even then, fraudulently the fourth respondent had settled the entire property in favour of his son. The second respondent rightly rejected the complaint lodged by the petitioner stating that, the entire allegations are civil in nature and the petitioner has to approach the Civil Court for appropriate relief.

5. The learned counsel for the petitioner submitted that as per the Circular dated 08.11.2017 issued by the first respondent in Letter No.41530/U1/2017, Clause 9b, that after entering the complaint, the authority shall issue notice to the executants, claimants of the documents and witnesses if found necessary to appear for enquiry. Therefore, without even issuing any notice to the petitioner, the second respondent mechanically rejected the complaint lodged by the petitioner herein.

6. It is seen from the Circular in Letter No.41530/U1/2017, dated 08.11.2017, stated as follows,

"9(b) After entering the complaint, he/she shall issue notices to the executants, claimants of the



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documents and witnesses if found necessary to appear for the enquiry and he/she should enquire the registering officer and if needed, call for the records from the Revenue Department and also shall summon the respective Village Administrative Officer (VAO) to appear before him with the Village Accounts."

7. It is made clear in the circular that, if found necessary, the claimants and the executants or any other witnesses can be ordered to attend the enquiry. Whereas in the case on hand, the fourth respondent is none other than the father of the petitioner herein. The fourth respondent had executed a settlement deed in favour of the petitioner's son. Even according to the petitioner, the petitioner is having half share over the subject property and as such it cannot be said that the fourth respondent fraudulently executed a settlement deed, since, the patta stood in the name of the fourth respondent in respect of the subject property.

8. In view of the above, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
Santhome, Chennai - 600004.
2. The District Registrar,
Office of the District Registrar,
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+1cc to the Government Pleader, S.R.No.68276

W.P.No.26616 of 2021

RR(CO)

RLP(04/01/2022)