

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.NO.33763 OF 2019

Rasheed Ahmed

... Petitioner

Vs

1. The Additional Director
Registration Department
Burua No.100, Santhome High Road
Chennai - 600 028.
2. The District Registrar
Door No.50, Sankara Naidu Street
Thirupapuliur
Cuddalore District - 2.
3. The Sub Registrar
Kattumannar Kovil
No.7, Kacheri Road
Kattumannar Kovil - 608 301
Cuddalore District.
4. The Tahsildar
Taluk Office
Kattumannar Kovil
Cuddalore District.

5. Meharajudden

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the fourth respondent to act upon the enquiry conducted by the fourth respondent and consider and issue patta in favour of the petitioner in respect of the petition mentioned property situate at No.53, Ayan Punja Survey No.366/4, (Old No.12/1) 44.55 in Lalpet Village, Kattumannarkovil Taluk, Cuddalore District, admeasuring total extent of 24 ½ cents and consequentially directing the third respondent herein to consider the representation dated 20.03.2019 and enquire into the alleged irregularities committed by the fifth respondent pertaining to the execution and registration of the settlement deed dated

12.02.2015 registered as Document No.276 of 2015 before the third respondent and thus dispose of the same within a time frame as fixed by this Court.

For Petitioner : Mr.R.Abdul Mubeen

For Respondents : Mr.T.M.Pappiah
Special Government Pleader [R1 to R3]
Mr.M.Manigopi
Government Advocate [R4]
Ms.Ajmath Begam [R5]

ORDER

The petitioner claims that he owns 4 cents in S.No.366/4 in Lalpettai Village, Kattumannar Kovil Taluk, Cuddalore District. The fifth respondent however, claims that the property belongs to him and executed a settlement deed which came to be registered as document No.276/2015 on the records of the third respondent. The petitioner now states that the said document is fraudulently executed and requires the Sub Registrar, Kattumannar Kovil, to initiate action under Section 82 r/w.83 of the Registration Act. He also made a few representations before the authorities, the least of which is dated 20.03.2019. In his representations, he further requires the concerned Sub Registrar to cancel the said document.

2. Mr.T.M.Pappiah, learned Special Government Pleader has taken notice for the respondents 1 to 3 and Mr.M.Manigopi for the fourth respondent. Ms.Ajmath Begum, learned counsel has entered appearance for the fifth respondent.

3. Mr.T.M.Pappiah, learned Special Government Pleader submitted that under the scheme of Registration Act, there is no power to cancel any document, but submitted that an enquiry indeed can be conducted for the limited purpose to ascertain if any prosecution need to be launched within the meaning of Section 82 r/w. Section 83 of the Registration Act. The said statement is recorded.

4. The Sub Registrar, Kattumannar Kovil, the third respondent herein is now required to hold necessary enquiry on the representations of the petitioner dated 20.03.2019 for the limited purpose of ascertaining if a prosecution need to be launched within the meaning of Section 82 r/w. 83 of the Registration Act, after issuing notices to all the parties who are to be heard, and to dispose of the said representation through a speaking order within a period of twelve (12) weeks from the date of receipt of a copy of this order. If at all the petitioner is interested in challenging the said gift deed

purported to have been executed by the fifth respondent, he has to take recourse to the civil remedy before the competent civil Court.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ds

To:

1. The Additional Director
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Cuddalore District.
4. The Tahsildar
Taluk Office
Kattumannar Kovil
Cuddalore District.

+1cc to Mr.R.Abdul Mubeen, Advocate, S.R.No.5859
+1cc to the Government Pleader, S.R.No.5578, 6090

W.P.No.33763 of 2019

AJS (CO)
CS/16/02/2021