



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.04.2021**

CORAM

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD)No.1674 of 2021

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Dorothy Manimuthu

.. Petitioner

Vs.

1.The Secretary to the Government,
Registration Department,
Secretariat,
St. George Fort, Chennai.

2.The Inspector General of Registration,
Registration Office,
No.100, Santhom High Road,
Chennai - 600 028.

3.The Deputy Inspector General of Registration,
Palayamkottai,
Tirunelveli District.

4.The District Registrar,
District Registrar Office,
Thoothukudi, Thoothukudi District.

5.The Sub Registrar,
Sub Registrar Office,
Keeloor, Thoothukudi District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents No.1 to 4 to take necessary action against the erred officials, by considering the petitioner's representation dated 05.12.2020.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.K.Sathyasingh,
Additional Government Pleader.



This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents 1 to 4 to take action on the complaint given by the petitioner on 05.12.2020 against the officers belonging to the 5th respondent, the Sub Registrar's office.

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2. The case of the petitioner is that the subject property, situated at S.No.167/1A, measuring an extent of 3 acres and 93 cents, originally belonged to one Michel Savari Muthu Ammal. The owner of the property, subsequently, executed a sale deed in favour of two persons and a separate patta was also issued in their favour in patta No.5801. These two persons, after purchasing the property, executed a power of attorney in favour of one Panguraj.

3. The above said Panguraj, as an agent, dealt with the property and the petitioner purchased the western portion of the property in S.No.167/1A, to an extent of 1 acre 96 cents, by a registered sale deed, dated 12.04.2007.

4. The further case of the petitioner is that the two persons, had subsequently, executed a release deed with respect to the eastern portion of the property, measuring an extent of 1 acre and 96 cents in favour of six persons.

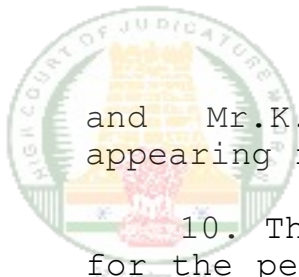
5. There was a dispute among the parties and a suit came to be filed in O.S.No.518 of 2012, before the Principal District Munsif Court, Thoothukudi and in the said suit, the sale deed executed in favour of the petitioner was also put to challenge. This suit, on contest, was dismissed by a judgment and decree dated 05.09.2017. It is stated that this judgment and decree was also registered on the file of the fifth respondent, as document No.3472 of 2017.

6. The further case of the petitioner is that the property was subsequently subdivided and a separate patta was issued in the name of the petitioner in S.No.167/1A1 in patta No.1975.

7. The grievance of the petitioner is that during the period from 2012 to 2020, the property was converted as plots and several documents were created and registered before the fifth respondent. While doing so, even the property of the petitioner was dealt with and it was also plotted out. According to the petitioner, this was done only with the connivance of the fifth respondent.

8. The petitioner therefore, made a complaint before the respondents 1 to 4 on 05.12.2020, seeking for taking action against the concerned officials and also the parties, who had done fraudulent transfers. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate direction.

<https://hcservices.courts.gov.in/hcservices/> 9. Dr. R. Maheswaran, learned counsel for the petitioner



and Mr.K.Sathyasingh, learned Additional Government Pleader appearing for the respondents.

10. The main ground that has been raised by the learned counsel for the petitioner is that the property belonging to the petitioner could not have been dealt with even without verifying in whose name the patta stood for the subject property. According to the petitioner, a separate patta was issued in her favour in patta No.1975 for S.No.167/1A1. Therefore, according to the petitioner, there was a fraudulent transfer in connivance with the fifth respondent. Yet another ground that has been taken is that while converting as a house site, necessary permission must be given by the planning authority and a document cannot be registered as a house site without this permission, since there is a bar under Section 22-A(2) of the Registration Act, 1908. In spite of such a bar, the fifth respondent has proceeded to register the plots which are unauthorized.

11. This Court finds that a strong case has been made out by the petitioner and the transactions that had taken place will have to be enquired by the fourth respondent, in exercise of powers under Sections 82 and 83 of the Registration Act, 1908. If any fraudulent transactions have taken place, necessary action has to be taken against the concerned persons and officials, who are involved.

12. In view of the above, there shall be a direction to the fourth respondent to consider the compliant given by the petitioner on 05.12.2020 and call the concerned parties for an enquiry. The fourth respondent shall deal with the complaint, strictly, in accordance with law and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

13. The petitioner is directed to make a fresh representation to the fourth respondent along with all the relevant documents and also a copy of this order.

14. This Writ Petition is disposed of with the above direction. No costs.

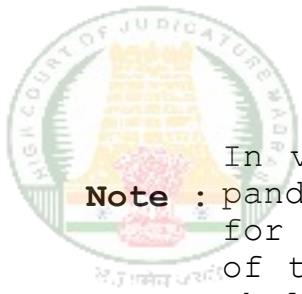
Sd/-

Assistant Registrar ()

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/ /2021

Sub Assistant Registrar(CS)



In view of the present lock down owing to COVID-19
Note : pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

- 1.The Secretary to the Government,
Registration Department,
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- 5.The Sub Registrar,
Sub Registrar Office,
Keeloor, Thoothukudi District.

+1 CC to M/s.R.MAHESHWARAN, Advocate (SR-15718[F] dated 09/04/2021)

+1 CC to M/s.SPL GP (SR-15796[F] dated 15/04/2021)

W.P. (MD)No.1674 of 2021
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AK(26/02/2021) 4P 8C