



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.06.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10389 of 2021

R.Karthik Kumar

... Petitioner

Vs.

1.The District Registrar,
Registration Department,
District Registrar Office,
Virudhunagar District.

2.The Sub Registrar,
Sivakasi Sub Registrar Office,
Sivakasi,
Virudhunagar District.

3.Prathapkumar

4.P.Geetha

5.K.P.Baskaran

6.P.Maheswari

7.P.Paulson Prabhu

8.P.Jeyanthi Meena

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the first respondent to conduct appropriate enquiry on petitioner's complaint, dated 28.04.2021 and dispose the same within stipulated time fixed by this Court.

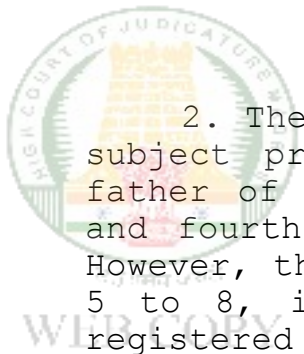
For Petitioner : Ms.M.Sangeetha

For Respondents : Mr.R.Suresh Kumar

Government Advocate for R1 and R2

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the first respondent to conduct an enquiry based on the complaint given by the petitioner on 28.04.2021 and to take action in accordance with law against the private respondents within the time limit fixed by this Court.



2. The case of the petitioner is that he became entitled to the subject property, by virtue of a Will dated 06.01.2014, by the father of the petitioner. According to the petitioner, the third and fourth respondents did not have any right over the property. However, they have executed a sale deed in favour of the respondents 5 to 8, in a fraudulent manner on 10.01.2020 and the same was registered on the file of the second respondent as Document No.217/2020.

3. The petitioner made a complaint in this regard to the first respondent on 28.04.2021. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Ms.M.Sangeetha, learned counsel appearing for the petitioner and Mr.R.Sureshkumar, learned Government Advocate, appearing for the respondents 1 and 2.

5. In the considered view of this Court, the petitioner is claiming right over the property by virtue of a Will, which is said to have been executed by his father on 06.01.2014. The private respondents are claiming their rights based on a settlement deed that is said to have been executed in favour of the fourth respondent and which was registered on the file of the second respondent as Document No.963/2015. Therefore, it is clear that the parties are basing their rights on the respective title documents. This issue can be resolved only by a competent civil Court and the first respondent has not been vested with the power to go into the title to the property. Even though the petitioner claims that the transaction is fraudulent, ultimately, the first respondent has to necessarily go into the right of the respective parties based on the title documents submitted by them. Therefore, it will go beyond the jurisdiction of the first respondent to undertake such an exercise.

6. In view of the above, no useful purpose will be served in directing the first respondent to consider the complaint given by the petitioner on 28.04.2021. It will be left open to the petitioner to question the sale deed executed by the third and fourth respondents before a competent civil Court in accordance with law. Except giving this liberty, no further orders can be passed in this Writ Petition.

7. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note :

In view of the present lock down owing to COVID-19 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 District Registrar,
Registration Department,
District Registrar Office,
Virudhunagar District.
- 2.The Sub Registrar,
Sivakasi Sub Registrar Office,
Sivakasi,
Virudhunagar District.

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