



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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W.P. (MD)No.10607 of 2021

Kaliaperumal

... Petitioner

Vs.

1.The Inspector General of Registration,
Office of Inspector General of Registration,
Santhome, Chennai.

2.The District Registrar,
District Registrar Office,
Trichy, Trichy District.

3.The Sub Registrar,
Sub Registrar Office,
Thiruverumbur,
Trichy District.

4.Akilandan

5.Manikandan

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the third respondent to conduct the detail enquiry and to cancel the Gift settlement deed in Doc.No.4971/2017 on the file of the 3rd respondent in Survey No.179/Part (Natham), Plot No.45 situated at Navalpattu Village, Thiruverumbur Taluk, Trichy District.

For Petitioner : Mr.A.Purantharadhas

For Respondents : Mr.M.Lingadurai

Government Advocate for R1 to R3

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the third respondent to conduct an enquiry based on the complaint given by the petitioner on 25.01.2021.

2. The case of the petitioner is that his father was issued an assignment patta and on his demise, the petitioner and others are entitled to the subject property. The further case of the petitioner is that the fourth respondent has created a settlement deed in favour of the fifth respondent and according to the



petitioner, it is a fraudulent document. Hence, the petitioner made a complaint before the third respondent on 25.01.2021, seeking for taking action against the fourth and fifth respondents. Since the same was not considered, the present Writ Petition has been filed before this Court.

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3. Heard Mr.A.Purantharadhas, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 to 3.

4. In the considered view of this Court, the petitioner is claiming right over the property by virtue of an assignment patta granted in favour of his father. The fourth respondent is claiming right over the property by virtue of a Manaivari patta issued in her favour by the Tahsildar in Patta No.1842. The same is clear from the settlement deed executed by the fourth respondent in favour of the fifth respondent. If the third respondent is to consider the complaint of the petitioner, he has necessarily go into the issue of right and title over the property and such an exercise will be beyond the jurisdiction of the third respondent. Even though the learned counsel for the petitioner submitted that the so called Manaivari patta issued in favour of the fourth respondent is a forged document, there is not a single allegation made to that effect in the affidavit. This statement is made for the first time before this Court.

5. In view of the above discussion, the petitioner has to necessarily work out the remedy only before a competent civil Court. No useful purpose will be served in directing the third respondent to consider the representation made by the petitioner, since the third respondent cannot decide the *inter se* rights between the parties.

6. In the result, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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 Inspector General of Registration,
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Santhome, Chennai.

2.The District Registrar,
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Trichy, Trichy District.

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Sub Registrar Office,
Thiruverumbur,
Trichy District.

+1 CC to M/s.SPL GP (SR-20429[F] dated 28/06/2021)

+1 CC to M/s.A.PURANTHARADHAS, Advocate (SR-20472[F] dated 28/06/2021)

W.P. (MD) No.10607 of 2021
25.06.2021

AS (07.07.2021) 3P 6C