



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 30.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

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W.P. (MD)No.10826 of 2021
(Through Video Conferencing)

V.S.T.Amanullah

... Petitioner

Vs.

1.The District Registrar,
Palayamkottai Registration District,
Tirunelveli District.

2.The Sub Registrar,
Melapalayam
Tirunelveli District.

3.Indira Sarojini Bhai

4.Aabitha Beevi

5.P.Mohammed Malik

6.M.Mohammed Ali

7.A.Sadik Basha

8.M.Peer Mohammed

9.M.Amanullah

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st respondent to conduct enquiry with regard to fraudulent registration of document on the basis of circulars dated 25.04.2012, 31.07.2018 and 09.04.2018 by considering the petitioner's representation dated 11.01.2021.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.M.Lingadurai for R1 & R2
Government Advocate

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 representation/complaint made by the petitioner on 11.01.2021, wherein, the petitioner is alleging that there is a



fraudulent transaction that has been made by the private respondents.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents 1 and 2.

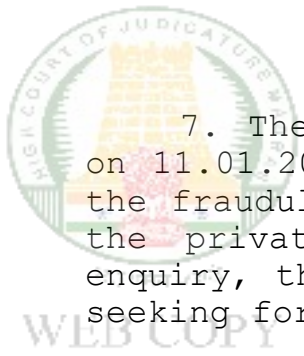
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3. The case of the petitioner is that the subject property was originally measuring an extent of 16.73 acres and it belonged to one Manji Mohideen Pillai and Pulavar S.KAdhar Mohideen. They partitioned the property among themselves through a registered partition deed dated 05.06.2017. Thereafter there was a sub division of the property and the property was divided into two parts. The first part consist of 5 acres and the second part consist of 11.73 acres. The first part was inherited by the legal heirs of the above said Pulavar Kadhar Mohideen and they sold the property in favour of the grandfather and grandmother of the petitioner through a registered sale deed dated 28.02.1954. There was a partition among the family members and through a partition deed 15.07.1978, the property was allotted to the father of the petitioner and he was said to be in possession and enjoyment of the same. After his demise, the petitioner and the other legal heirs are claiming right over the property and they are in possession and enjoyment of the same.

4. Insofar as the second part of the property is concerned, which measures 11.73 acres, it was sold by the legal heirs under two sale deeds and one sale deed was executed in favour of Deva Asirvatham on 13.05.1968 to an extent of 10.78 acres. The other sale deed was made in favour of Sankaralingam Pillai on 24.09.1971 to an extent of 95 cents. Thus, according to the petitioner, the entire 16.73 acres have been sold by the original owners of the property.

5. The further case of the petitioner is that Deva Asirvatham, who purchased 10.78 acres of land, divided the same into housing plots and the entire plots were sold under various sale deeds thereby there was nothing left for Deva Asirvatham to deal in the property.

6. The grievance of the petitioner is that all of a sudden, the third respondent, who claims to be the daughter of Deva Asirvatham, executed two sale deeds in favour of the 4th respondent in the year 2015. The fourth respondent is claiming her right through an unregistered Will, which is said to have been executed by her mother. According to the petitioner, the fraudulent sale deed was created knowing fully well that Deva Asirvatham had already dealt with the properties. This fraudulent transaction continued when two more release deeds were executed in the year 2016.



7. The petitioner aggrieved by the same has given a complaint on 11.01.2021 before the first respondent to conduct an enquiry on the fraudulent transaction that is said to have taken place between the private respondents. Since there was no progress in the enquiry, the present writ petition has been filed before this Court seeking for appropriate directions.

8. Taking into consideration the facts and circumstances of the case and without going into the merits of the case, there shall be a direction to the first respondent to conduct an enquiry based on the representation made by the petitioner on 11.01.2021 after giving opportunity to the petitioner and respondents 3 to 9 and deal with the same on its own merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order.

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

10. This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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,
Palayamkottai Registration District,
Tirunelveli District.

2.The Sub Registrar, Melapalayam
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-20887[F] dated 01/07/2021)

W.P. (MD)No.10826 of 2021

30.06.2021

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TR(08.07.2021) 3P 4C

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