



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD)No.11763 of 2021

V.S.T.Amanullah

... Petitioner

vs.

1.The District Registrar,
Registration Department,
Tenkasi District.

2.The Sub-Registrar,
Melapalayam Sub Registrar Office,
Melapalayam,
Tirunelveli District.

3.The Sub Registrar,
Alangulam Sub Registrar Office,
Alangulam,
Tenkasi.

4.Peer Mohammed

5.Ibrahim Badhusa

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to conduct enquiry with regard to fraudulent registration of Settlement Deed in Doc.No.2525/2019, dated 21.05.2019 on the file of the 3rd respondent on the basis of Circulars dated 25.04.2012, 31.07.2018 and 09.12.2018, by considering the petitioner's representation, dated 17.11.2020 and pass orders on merits in accordance with law within the time fixed by this Court.

For Petitioner

: Mr.H.Arumugam

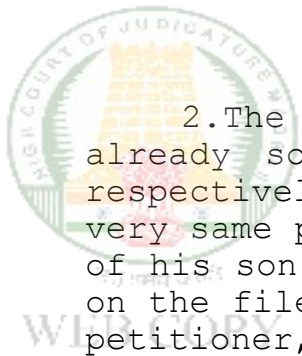
For R1 to R3

: Mr.R.Suresh Kumar

Government Advocate

O R D E R

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 made by the petitioner, on 17.11.2020, wherein, the petitioner is alleging that the private respondents have involved in fraudulent transactions with respect to the subject property and those documents were registered on the file of the third respondent.



2.The case of the petitioner is that the subject property was already sold by the original owners in the year 1968 and 1971 respectively. Thereafter, the fourth respondent has dealt with the very same property and executed fraudulent settlement deed in favour of his son, who is the fifth respondent and the same was registered on the file of the third respondent on 21.05.2019. According to the petitioner, the fourth respondent has completely mislead the third respondent and he has dealt with the property which has already been sold.

3.In view of the above, the petitioner made a representation to the first respondent, on 17.11.2020, to enquire into the fraudulent transaction, in line with the circular issued by the Inspector General of Registration and to pass orders. Since the same was not considered, the present writ petition has been filed before this Court, seeking for appropriate directions.

4.Heard Mr.H.Arumugam, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate appearing on behalf of the respondents 1 to 3.

5.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the first respondent to consider the representation made by the petitioner, on 17.11.2020, after affording opportunity to the petitioner and respondents 4 and 5 and deal with the same on its own merits and in accordance with law and pass final orders, within a period of eight weeks from the date of receipt of a copy of this order.

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

7.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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

<https://hcservices.ecourts.gov.in/hcservices/>



the advocate / litigant concerned.

To

1.The District Registrar,
Registration Department,
Tenkasi District.

2.The Sub-Registrar,
Melapalayam Sub Registrar Office,
Melapalayam,
Tirunelveli District.

3.The Sub Registrar,
Alangulam Sub Registrar Office,
Alangulam,
Tenkasi.

+1 CC to M/s.SPL GP (SR-24193[F] dated 28/07/2021)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-24232[F] dated 28/07/2021)

W.P(MD)No.11763 of 2021

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RD(2.08.2021) 3P 6C