



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2021

CORAM

WEB COPY

THE HON'BLE MR. JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) No.13668 of 2021

Indarchandlall alias I.M.Lall ... Petitioner

Vs.

1. The District Registrar,
District Registrar's Office,
District Court Campus,
Trichy - 1,
Trichy District.
2. The Joint No.3 Sub - Registrar,
Joint No.3 Sub-Registrar's Office,
District Court Campus,
Trichy - 1, Trichy District.
3. Subramanian
4. Srikarunya
5. Sirajudeen
6. Fathima

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent herein to delete the fraudulent entries made by 3 to 6 respondents herein on the property situated at Trichy District, Trichy Taluk, Trichy Town, Joint No.3 Sub-Registration range, Old 6th Ward, Pugaliyapillai Street, Southern Side, Old T.S.No. 310/1 & 313/2, Door No. 12, New Ward "G" (P), New Block No.3, New T.S.No.35/2, measuring 1270 square feet and building situated thereon, in the light of petitioner's representation dated 19.07.2021 within a stipulated period as may be fixed by this Hon'ble Court.

For Petitioner : Mr.R.Sundar

For Respondents : Mr.P.Subbaraj

**O R D E R**

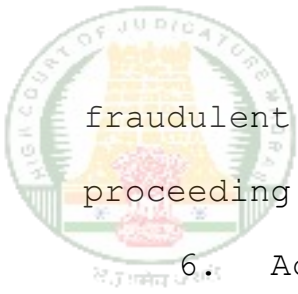
The petitioner seeks the deletion of entries pertaining to an allegedly fraudulent Settlement Deed.

2.The petitioner states that he purchased a property under registered Sale Deeds dated 25.03.2015. Subsequently, it is alleged that the third respondent executed a fraudulent Settlement Deed in favour of the fourth respondent on 07.02.2014, which was registered by the second respondent as Document No.390 of 2014. The petitioner relies upon a communication dated 16.07.2014 from the second respondent stating that there was impersonation in the execution of the aforesaid Settlement Deed. Accordingly, the police were called upon to take necessary action. Thereafter, it appears that the petitioner filed a suit in O.S.No.658 of 2015 on the file of the District Munsif, Trichy, for cancellation of said Settlement Deed. The said suit is pending as on date.

3. Meanwhile, on the basis of a recent judgment of this Court in W.P.No.10177 of 2021 dated 17.06.2021, whereby this Court held that the registration authorities are not powerless in such matters and that they may make an entry in the relevant registers as also in the encumbrance certificate once fraud is established the present writ petition is filed.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the respondents 1 and 2.

5. Although learned counsel for the petitioner relies upon the communication dated 16.07.2014 with regard to the allegedly



fraudulent Settlement Deed, it is not necessary for purposes of this proceeding to enter into the merits of the petitioner's allegation.

6. Accordingly, without going into the merits of the petitioner's representation, the second respondent herein is directed to consider the representation dated 19.07.2021 in accordance with law and pass a reasoned order thereon after putting respondents 3 to 6 on notice and providing all of them with a reasonable opportunity. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.

7. W.P.(MD).No.13668 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The District Registrar,
District Registrar's Office,
District Court Campus,
Trichy - 1,
Trichy District.
2. The Joint No.3 Sub - Registrar,
Joint No.3 Sub-Registrar's Office,
District Court Campus, Trichy - 1, Trichy District.

+1 CC to M/s.SPL GP (SR-25618[F] dated 09/08/2021)

W.P. (MD) .No.13668 of 2021
06.08.2021

GC (13/08/2021) 3P 4C