



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2021

CORAM

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.15217 of 2021

and

W.M.P.(MD).No.12148 of 2021

S.Kathiresan

... Petitioner

Vs.

1.The Inspector General Registration,
No.100, Santhom High Road,
Chennai 28.

2.The District Registrar (Administration),
Aruna Nager,
Karaikudi 63001.

3.The Sub-Registrar,
Ponnamaravathi,
Pudukottai District.

4.SV.Ganesan

5.K.balaji

6.S.Sumathi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second and third respondents to conduct proper enquiry and thereby to take appropriate decision on the basis of the petitioner's representations dated 19.05.2021 and 28.05.2021 in the light of the circular issued by the first respondent made in Letter No.41530/U1/2017 dated 31.07.2018.

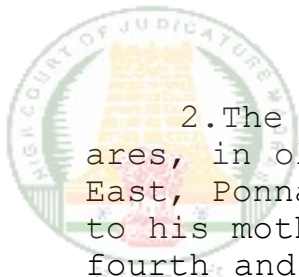
For Petitioner : Mr.N.Marimuthu

For Respondents : Mr.P.Subbaraj,
Counsel for State for R1 to R3

ORDER

The petitioner seeks an inquiry by the second respondent on the basis of the representation submitted by him.

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



2.The petitioner states that the property measuring 0.22.5 ares, in old Survey No.391/2, new Survey No.391/18 at Ponnamaravathi East, Ponnamaravathi Taluk, Pudukkottai District originally belonged to his mother. Upon her demise on 14.11.2006, it is alleged that the fourth and fifth respondents fraudulently obtained a patta in their names without including the names of the other six legal heirs, including the petitioner herein. On such basis, it is stated that the fifth respondent executed a release deed on 08.10.2020, which was registered as document No.2034/2020 in favour of the fourth respondent. Likewise, it is stated that the fourth respondent executed a settlement deed dated 16.10.2020, which was registered as document No.2108/2020 in favour of the sixth respondent. According to the petitioner, the aforesaid registrations are fraudulent. In these circumstances, the petitioner submitted representations dated 19.05.2021 and 28.05.2021 and seeks an inquiry in accordance with the circular issued by first respondent on 31.07.2018.

3.Mr.P.Subburaj, learned Counsel for the State accepts notice on behalf of respondents 1 to 3. In view of the nature of order proposed to be issued, notice to the private respondents is dispensed with.

4.The registration authorities are not empowered, as on date, to cancel registered documents. However, such authorities are empowered to conduct an inquiry to ascertain whether a fraud was committed in course of registration. Such fraud could be by way of impersonation, forgery or the production of forged documents, which constituted the basis of registration. To that extent, an enquiry may be conducted after providing a reasonable opportunity to the petitioner and the private respondents herein.

5.Subject to the above observations, but without going into the merits of the matter, the second respondent herein is directed to conduct an inquiry on the basis of the petitioner's representations dated 19.05.2021 and 28.05.2021. Such inquiry shall be conducted after putting the petitioner and the private respondents herein on notice and providing them with a reasonable opportunity. The inquiry shall be concluded by a reasoned order within a period of three months from the date of receipt of a copy of this order. W.P.(MD) No.15217 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected W.P.(MD)No.12148 of 2021 is closed.

Sd/-

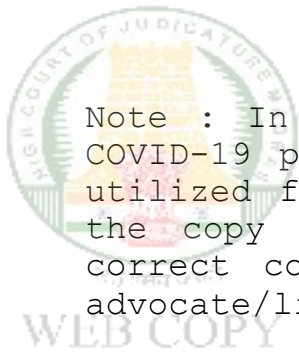
Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar(CS)

sm/pnm



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 Registration,
No.100, Santhom High Road,
Chennai 28.

2.The District Registrar (Administration),
Aruna Nager,
Karaikudi 63001.

3.The Sub-Registrar,
Ponnamaravathi,
Pudukottai District.

+1 CC to M/s.N.MARIMUTHU, Advocate (SR-27503[F] dated 26/08/2021)

+1 CC to M/s.GP (SR-27526[F] dated 27/08/2021)

W.P(MD)No.15217 of 2021
26.08.2021

MGJ(03.09.2021) 3P 6C