



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15867 of 2021

WEB COPY

Vaithiyanathan

... Petitioner

Vs.

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

2.The Sub Registrar,
Kadayanallur, Tenkasi District.

3.Murugaiah

4.Maruthathal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to conduct inquiry to annul the settlement deed bearing Document No.948/2021 dated 27.02.2021 on the file of the second respondent and take action on the basis of Circular No.41530/U1/2017 dated 20.10.2017, Circular No.41530/U1/2017 dated 08.11.2017 and Letter No.41530/U1/2017 dated 31.07.2018 issued by the Inspector General of Registration based on the petitioner's representation dated 13.07.2021.

For Petitioner : Mr.RJ.Karthick
For R-1 & R-2 : Mr.K.S.Selva Ganesan
Counsel for State.

ORDER

The petitioner seeks an inquiry in relation to the request for annulment of the Settlement Deed bearing Document No.948 / 2021 dated 27.02.2021.

2. The petitioner claims title to specific extents in Survey Nos.1614/3, 1612/2, 1606/1 and 1609 in Parvathikulam, Kadayanallur Village, Tenkasi District. The petitioner alleges that a settlement deed was fraudulently executed in relation to the above mentioned properties and was registered under Document No.948/2021 on the file of the second respondent. In such circumstances, it is stated that the petitioner submitted a



representation dated 13.07.2021 seeking an inquiry into the alleged fraudulent registration. The present Writ Petition is filed in such facts and circumstances.

3. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1 and 2. He submits that the petitioner's representation was received and that a communication calling upon the parties to participate in an inquiry was issued in response thereto.

4. In view of the aforesaid submissions of learned counsel for the State, it is not necessary to enter into the merits of the dispute. Instead, it would be sufficient to direct the first respondent herein to continue with and conclude such inquiry within a reasonable time frame.

5. Accordingly, without going into the merits of the matter, the first respondent herein is directed to continue with and conclude the inquiry in response to the petitioner's representation dated 13.07.2021. Such inquiry shall be conducted after providing a reasonable opportunity to the petitioner, the third and fourth respondents herein and any other person who would be affected by the outcome of such inquiry. The entire process shall be concluded by way of a reasoned order within a period of three (3) months from the date of receipt of a copy of this order. On account of the fact that the merits of the matter have not been gone into and because the first respondent has been directed to hear the third and fourth respondents before passing orders, the Writ Petition is disposed of without notice to the private respondents.

6. W.P.(MD).No.15867 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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 Collector,
Registration Department,
Tenkasi, Tenkasi District.

2.The Sub Registrar,
Kadayanallur, Tenkasi District.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-28636[F] dated 09/09/2021)

+1 CC to M/s.SPL GP (SR-28667[F] dated 09/09/2021)

**W.P (MD) No.15867 of 2021
07.09.2021**

NSN (CO)
SB(16.09.2021) 3P 5C