



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.16373 of 2021

WEB COPY

T.Duraisamy

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.

2.The District Registrar,
O/o.District Registrar,
Trichy.

3.The Sub-Registrar,
O/o.Sub-Registrar,
Manapparai Taluk,
Trichy District.

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 19.08.2021.

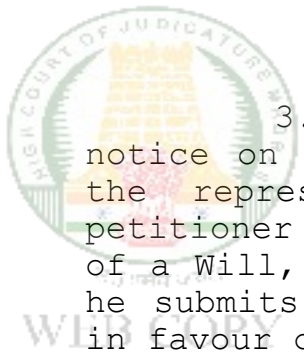
For Petitioner : Mr.P.Pandiarajan

For Respondents : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks a direction for the consideration of the representation dated 19.08.2021.

2. The petitioner traces title to a property bearing T.S.No.72 through one Subbammal. According to the petitioner, the said Subbammal had two brothers and three sisters, including the petitioner's mother. The petitioner alleges that one Senthil Kumar colluded with his family members and obtained a fraudulent patta. On such basis, it is stated that a release deed dated 11.03.2019 was executed in his favour. The said document is said to be registered as Document No.1299/2019. The petitioner submitted a representation dated 19.08.2021 to the respondents in this regard and seeks the consideration of such representation.



3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. By drawing reference to the representation dated 31.08.2021, he points out that the petitioner has approached this Court belatedly for the cancellation of a Will, which was registered as Document No.85/2010. Therefore, he submits that discretionary jurisdiction should not be exercised in favour of the petitioner.

4. In response to this contention, learned counsel for the petitioner points out that the petitioner has requested for an inquiry in relation to the release deed dated 11.03.2019, bearing Document No.1299/2019. Therefore, he submits that the Writ Petition is not belated.

5. The petitioner has enclosed a copy of the Town Survey Land Register pertaining to T.S.No.72. The said document indicates the name of Subbammal as the registered owner of the relevant property. The petitioner traces title through the said Subbammal and seeks the consideration of his representation as regards the release deed executed on 11.03.2019. Although registration authorities are not empowered to cancel a registered document, as on date, such authorities are empowered to inquire into whether a fraud or irregularity was committed in course of registration. To that extent, the petitioner's representation may be considered and disposed of on merits.

6. Accordingly, without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 19.08.2021 insofar as it relates to the release deed dated 11.03.2019 bearing Document No.1299/2019. Before a decision is taken on the petitioner's representation, a reasonable opportunity should be given to the petitioner and the parties to the release deed dated 11.03.2019. On such basis, a reasoned order should be issued by the second respondent within a period of three (3) months from the date of receipt of a copy of this order.

7. W.P.(MD).No.16373 of 2021 is disposed of on these terms without any order as to costs.

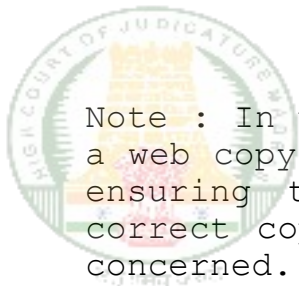
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

WEB COPY

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.
 - 2.The District Registrar,
O/o.District Registrar,
Trichy.
 - 3.The Sub-Registrar,
O/o.Sub-Registrar,
Manapparai Taluk,
Trichy District.
- +1 CC to M/s.SPL. GP (SR-29090[F] dated 15/09/2021)

W.P (MD) No.16373 of 2021
14.09.2021

RK (22.09.2021) 3P 5C