



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17095 of 2021

K.Pandiyammal @ Pandiselvi

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
No.58/1, Kootseri Road,
Virudhunagar District.

2.The Sub-Registrar,
Sub-Registrar Office,
Thiruthangal,
Sivakasi,
Virudhunagar District.

3.M.Thanga Boopathi

... 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 16.11.2020 in accordance with law.

For Petitioner	:	Mr.P.Murugesan
For R-1 & R-2	:	Mr.P.Subbaraj, Counsel for State.

ORDER

The petitioner seeks the consideration of a representation dated 16.11.2020 alleging that sale deed bearing Document No.1935/2014 and sale deed bearing Document No.2773/2014 were executed fraudulently.

2. The petitioner states that her mother-in-law was the owner of the property bearing S.F.No.752 of an extent of 2 Acres and 44 Cents at Thiruthangal Village, Devarkulam Panchayat, Virudhunagar District. In respect thereof, it is stated that a registered settlement deed was executed in favour of her husband, namely, Karuppasamy, under Document No.5333/2007 dated 05.11.2007. Pursuant thereto, it is stated that a residential house was constructed after obtaining a plan sanction and building permit in such regard.

3. The petitioner alleges that one V.Dhamotharan came to her house on 10.11.2020 and stated that he had purchased the above property from one T.Thangaboopathi and threatened to dispossess the petitioner from the property. Upon enquiry, the petitioner gathered that the said T.Thangaboopathi had obtained sale deeds in his favour



fraudulently. It is alleged that the petitioner's husband executed such sale deeds in a drunken state. The petitioner submitted a representation in this regard to the official respondents on 16.11.2020 and seeks an inquiry in relation thereto.

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

5. The petitioner has enclosed the sale deeds executed by her husband in favour of the third respondent herein. The said sale deeds were executed on different dates in the year 2014. Pursuant thereto, it appears that the third respondent executed sale deeds in the year 2020. Apart from the allegations in Paragraph 3 of the affidavit that such sale deeds were executed by the petitioner's husband in an inebriated condition, there is no evidence whatsoever with regard to the alleged fraud. (*) Even if he had consumed alcohol at the relevant point of time, it would not per se render the conveyances as fraudulent, and unless it can be inferred that he was not in a sound and disposing state, the relevant conveyances would not be impacted in any manner. Therefore, the petitioner has failed to make out a case for issuing a mandamus as prayed for.

6. An allegation of fraud is a matter of grave import and, therefore, such allegations should not be acted upon unless the person making such allegation provides actionable evidence thereof. Otherwise, every concluded transaction can be unsettled merely on the basis of baseless allegations of fraud.

7. For reasons set out above, W.P.(MD)No.17095 of 2021 is dismissed without any order as to costs.

Sd/-

Assistant Registrar (AD-II)

**(*)Deleted as per order of this
Hon'ble Court dated 25.10.2021
Made in WP(MD)No.17095 of 2021**

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr



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 be Substituted the order already despatched
on 04.10.2021**

1.The District Registrar,
District Registrar Office,
No.58/1, Kootseri Road,
Virudhunagar District.

2.The Sub-Registrar,
Sub-Registrar Office,
Thiruthangal,
Sivakasi,
Virudhunagar District.

+1 CC to M/s.SPL. GP (*) (SR-32576[F] dated 26/10/2021)

**W.P (MD) No.17095 of 2021
23.09.2021**

GC (01.10.2021) 3P 4C
SRR(CO)
GC/JC (09.11.2021) 3P 4C