



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

WEB COPY

W.P (MD) No.17924 of 2021

K.Jibi Suderson

... Petitioner

Vs.

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
- 2.The Deputy Inspector General of Registrations,
Palayankottai - 627 002,
Tirunelveli.
- 3.The District Registrar-Administration,
District Registrar Office,
Marthandam - 629 165,
Kanniyakumari District.
- 4.The Sub-Registrar,
Kollencode Sub-Registrar Office,
Kollencode - 629 160,
Kanniyakumari District.

... Respondents

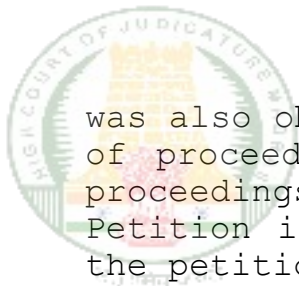
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to conduct an elaborate enquiry and take suitable action by considering the petitioner's petition dated 25.02.2019.

For Petitioner : Mr.D.Anbarasu
For Respondents : Mr.K.S.Selva Ganesan
Counsel for State.

ORDER

The petitioner seeks an inquiry pursuant to his petition dated 25.02.2019.

2. The petitioner claims title to a property bearing Survey No.609/12A, Athencode Village, Killiyoor Taluk, Kanniyakumari District. The petitioner alleges that one Mrs.Ommana Amma and her legal heirs created a fraudulent settlement deed bearing Document No.3249/2018. In addition, the petitioner alleges that Patta No.231



was also obtained fraudulently. In respect thereof, upon initiation of proceedings, it is stated that such patta was cancelled under proceedings dated 22.10.2020 of the Sub Collector. The present Writ Petition is filed seeking the conclusion of an inquiry pursuant to the petitioner's petition dated 25.02.2019.

WEB COPY

3. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the third respondent may be directed to proceed with and conclude the inquiry within a reasonable time frame.

4. By the petition dated 25.02.2019, the petitioner has called upon the third respondent to initiate suitable action against Mrs.Ommana Amma and her legal heirs in respect of the allegedly fraudulent registration of the settlement deed bearing Document No.3249/2018. While registration authorities do not have the power to cancel a registered document as on date, such authorities have the power to inquire into whether a fraud or other irregularity was committed in course of registration. Such fraud or irregularity could be by way of impersonation, forgery or by relying upon fake documents which constituted the basis of registration. To that extent, the petitioner's request for an inquiry warrants consideration.

5. Subject to the above observations but without entering any findings on the merits of the matter, the third respondent is directed to proceed with and conclude the inquiry in relation to the petitioner's petition dated 25.02.2019 after providing a reasonable opportunity to the petitioner, Mrs.Ommana Amma and her legal heirs, if appropriate, as also any other party to the impugned settlement deed. Upon conclusion of such inquiry, a reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order.

6. W.P.(MD).No.17924 of 2021 is disposed of on these terms without any order as costs.

Sd/-

Assistant Registrar (CS-I)

// 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.



To

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

2. The Deputy Inspector General of Registrations,
Palayankottai - 627 002,
Tirunelveli.

3. The District Registrar-Administration,
District Registrar Office,
Marthandam - 629 165,
Kanniyakumari District.

4. The Sub-Registrar,
Kollencode Sub-Registrar Office,
Kollencode - 629 160,
Kanniyakumari District.

+1 CC to M/s.SPL.GP (SR-31529[F] dated 07/10/2021)

+1 CC to M/s.D.ANBARASU, Advocate (SR-31644[F] dated 07/10/2021)

W.P (MD) No.17924 of 2021
05.10.2021

RD(18.10.2021) 3P 7C