



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.19006 of 2021

Seeni Buraitha

... Petitioner

Vs.

1.The District Registrar,
District Registration Office,
Ramanathapuram District.

2.The Sub Registrar,
Sub Registrar Office,
Vellipattinam,
Ramanathapuram 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 first respondent to conduct an enquiry based on the petitioner's representation dated 19.08.2021 to act upon the circular letter No.41530/U1/2017, dated 08.11.2017 issued by the Inspector General of Registration, in accordance with law within the time to stipulated by this Court.

For Petitioner	: Mr.G.V.Vairam Santhosh
For Respondents	: Mr.P.Subbaraj Counsel for State

ORDER

The petitioner seeks a direction for the conduct of an inquiry into the alleged registration of fraudulent sale deeds each dated 31.08.2020.

2.The petitioner states that properties under multiple survey numbers at Attrankarai Revenue Village, Ramanathapuram Taluk, Ramanathapuram District belonged to her father, the late Abdul Ragman, who died on 19.08.2020. According to the petitioner, her father married the petitioner's mother, namely, Ramalath Beevi on 24.06.1959. The petitioner is said to be the only legal heir. Subsequently, it is stated that the petitioner's father married one Ummul Kuran. The petitioner alleges that her father was seriously ill and, in fact, unconscious over the last four years. It is stated that he died on 19.08.2020.

3.The petitioner asserts that her father would affix his signature on documents and the Will executed on 11.06.2015 is cited in support of the statement. By contrast, the petitioner points out



that the impugned sale deeds bear the alleged thumb impression of the petitioner. On such basis, it is stated that the said documents are fraudulent.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the first respondent may be directed to conduct an inquiry after putting all the parties to the impugned documents on notice.

5.Registration Authorities are empowered to examine whether a fraud or irregularity occurred in course of registration. For instance, such authorities may examine whether there was impersonation, forgery or whether fake documents constituted the basis of registration. In view of the death of the executant, the effective conduct of such inquiry would be challenging. Nonetheless, the records and other parties and witnesses may be called for inquiry. Needless to say, a reasonable opportunity should be provided to the parties to relevant documents before a decision is taken in such regard. For purposes of this proceeding, it is not necessary to record any findings on the allegations with regard to the invalidity of the impugned documents.

6.Subject to the above observations, W.P.(MD).No.19006 of 2021 is disposed of by directing the first respondent to consider the petitioner's representation dated 19.08.2021 and conduct an inquiry in relation thereto after providing a reasonable opportunity to the petitioner and to all parties to the three impugned documents. Such inquiry shall be concluded within a period of three (3) months from the date of receipt of a copy of this order. However, there will be no order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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 Registrar,
District Registration Office,
Ramanathapuram District.

2.The Sub Registrar,
Sub Registrar Office,
Vellipattinam,
Ramanathapuram District.

+1 CC to M/s.SPL.GP (SR-33022[F] dated 28/10/2021)

W.P (MD) .No.19006 of 2021
27.10.2021

SJ(CO)

RS/PM (10.11.2021) 3P 4C