



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P.(MD)No.19612 of 2020

K.Chellammal : Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome, Chennai -28.

2.The District Registrar (Administration),
Registration Department,
Palani, Dindigul District.

3.The Sub Registrar,
Kalliamanthayam Sub Registrar Office,
Kallimanthayam, Dindigul District.

4.Rani : Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the second respondent to complete the enquiry in Na.Ka.No.4322/E1/2019 on the file of the second respondent office, which initiated on basis of the petitioner's representations, dated 03.10.2019 within a time frame as may be fixed by this Court.

For Petitioner

:Mr.VS.Karthi

For R1 to R3

:Mr.K.Sathiyasingh

Special Government Pleader

ORDER

The case of the petitioner is that by way of "sridhana", he had come into the possession of the property in S.No. 680/1 measuring an extent of 4 acres 48 cents of Kondarangi Keeranoor Village on 20.10.1944 vide registration Number 1745/1944 and by way of registered gift deed, dated 09.10.1946 in S.No.698/3 measuring an extent of 34 cents, Survey No.759 measuring an extent of 1 Acre 4 cents, Survey No.760 measuring an extent of 52 cents of the Kondarangi Keeranoor Village vide Document No.1738/1946 along with registered sale deed on 13.07.1959 measuring an extent of 1 acre 40 cents of Survey No.700.



2. According to the petitioner, on 11.07.1978, there was a registered partition deed vide document No.532/1978 among her husband, herself, her son and her daughter. Her son, namely, Selvaraj, was allotted to 'B' schedule property. After marriage, Selvaraj died intestate, leaving behind his widowed wife, namely, Rani. Hence, the 'B' schedule property has been devolved on the said Rani.

3. The widowed Rani has gifted the 'B' schedule property on 24.05.2019 by way of a registered gift deed vide Document No.503 of 2019 to her father, namely, S.Karuppasamy. At this, the petitioner was shocked to see that the properties, which are mentioned above and were given to her as "Sridhana", were also included as Item Nos.10 to 14 mischievously, as if the said Rani was the owner of the property.

4. According to the petitioner, such fraudulent gift deed by including various properties partitioned to her ought not to have been registered. But negligently or fraudulently, the document has been registered and correspondent entries have also made subsequently by the third respondent. In view of the fraudulent entries made in the revenue records, the valuable rights of the petitioner was being affected.

5. In the above circumstances, the petitioner preferred an appeal before the first respondent on 23.10.2019. In response to the appeal, she was called for an enquiry by the second respondent on 29.10.2019 and in response to the same, she appeared for enquiry. However, the fourth respondent did not turn up for the enquiry and she maintained through avoiding enquiry for all these time. After a considerable delay, she had appeared with her Lawyer and sought time for filing written statement and thereafter, the enquiry has not been completed as on date. Therefore, the petitioner is before this Court seeking a direction to the second respondent to dispose of the appeal on merits.

6. When the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents would submit that any direction is issued to dispose of the appeal filed by the petitioner will be complied with by the second respondent.

7. In view of the above, the Writ Petition is disposed of with the following direction as under:

"the second respondent, before whom the appeal preferred by the petitioner is pending, is directed to dispose of the same in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The second respondent is directed to



communicate the order forthwith to the petitioner, after a decision is taken in the matter".

No costs.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome, Chennai -28.

2.The District Registrar (Administration),
Registration Department,
Palani, Dindigul District.

3.The Sub Registrar,
Kalliamanthayam Sub Registrar Office,
Kallimanthayam, Dindigul District.

+1 CC to Addl.Govt.Pleader (SR-8457[F] dated 03/03/2021)

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KM (23.03.2021) 3P 5C