



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.20364 of 2021

WEB COPY

M.Jaffar Ibrahim

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
No.32, K.M.S.K.Chettiar Building,
Pattukottai,
Thanjavur District.

2.The Sub Registrar,
Sub Registrar Office,
Subramaniapuram,
Aranthangi Taluk,
Pudukkottai District.

3.M.Kamaludeen

... Respondents

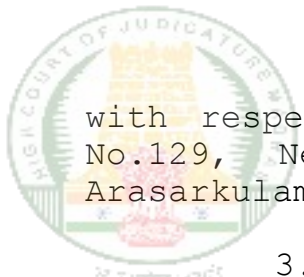
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the first respondent to conduct an enquiry under Section 82 and 83 of the Registration Act and annul the settlement deed in Document No.576/2009 and consequently direct the second respondent to made a necessary entry in the respect of the petitioner's property Natham Survey No.129, New Survey No.383/2, 383/27, 383/228 and 383/29 in Arasarkulam Village, Aranthangi Taluk, Pudukkottai District.

For Petitioner : Mr.G.Jeremiah
For R-1 and R-2 : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard Mr.G.Jeremiah, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader for the first and second respondents.

2.This Writ Petition has been filed in the nature of Mandamus seeking a direction against the first respondent to conduct an enquiry under Section 82 and 83 of the Registration Act and to cancel the settlement deed registered as Document No.576/2009 and to consequently direct the second respondent, to make necessary entries



with respect to the property of the petitioner in Natham Survey No.129, New Survey No.383/2, 383/27, 383/228 and 383/29 in Arasarkulam Village, Aranthangi Taluk, Pudukkottai District.

3.Necessity to file the Writ Petition had arisen owing to the fact that on 22.09.2021, the petitioner had given a representation to the first respondent, to conduct an enquiry under Section 82 and 83 of the Registration Act and also on the basis of the guidelines issued by the Inspector General of Registration, Chennai dated 03.11.2011.

4.It is stated that the petitioner had also filed O.S.No.78 of 2020 on the file of Principal District Court at Pudukkottai. The third respondent had remained exparte in the said suit.

5.The petitioner has further stated that a settlement deed in Document No.576/2009, had been executed, according to the petitioner fraudulently by the third respondent. The third respondent had laid a claim over the title of the property on the basis of such settlement deed while the petitioner claims the property had been settled in his favour by way of a document in Document No.279/2011 registered in the office of the Sub Registrar, Subramaniapuram. Various other facts have been stated including lodging of a criminal complaint and instituting of a civil suit.

6.The petitioner had given a representation seeking action under Sections 82 and 83 of the Registration Act. Section 82 relates to the penalty to be imposed on making false statement and delivering false copies of translation before the Sub Registrar and Section 83 is with respect to prosecution for such Act.

7.It is stated by both learned counsels that the enquiry has now been commenced by the first respondent/the District Registrar, Pattukottai, Thanajavur District. Naturally, it will only be appropriate that the Court permits the first respondent to proceed with the enquiry in manner known to law.

8.Let the documents filed by the petitioner examined and let the first respondent give a definite and specific finding with respect to Document No.576 of 2009 registered in the office of the second respondent and determine whether the said document had been executed fraudulently or otherwise. The objections of the petitioner for the registration of the said document must be answered by the first respondent in course of his order. Let him pass order after issuing notice to the third respondent also. The first respondent must pass orders on the representation of the petitioner on or before 31.03.2022.

9.It must be noted that the Court notice to the third respondent had been returned with an endorsement "Left India". That fact is recorded. It is informed however that he is



10. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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. The District Registrar,
District Registrar Office,
No.32, K.M.S.K.Chettiar Building,
Pattukottai, Thanjavur District.

2. The Sub Registrar,
Sub Registrar Office,
Subramaniapuram,
Aranthangi Taluk,
Pudukkottai District.

+1 CC to M/s.SPL GP (SR-40225[F] dated 23/12/2021)

W.P. (MD) .No.20364 of 2021

21.12.2021

MGJ(04.01.2022) 3P 4C