



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.315 OF 2022

Thanjai P.N.Chezhian

...Petitioner

Vs

1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
Santhome, Chennai - 600 028.

2.The District Registrar,
Thanjavur Town,
Thanjavur.

3.The Sub-Registrar,
Boothalur Sub-Registrar's Office,
Boothalur Taluk,
Thanjavur District.

4.J.Shanthi
Additional District Judge (FTC)
Theni.

5.J.Rosa Marudham

6.M.Vignesh

7.P.Gomathi

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to conduct enquiry with regard to petitioner's complaint dated 11.12.2021 and cancel the registration executed by the 4th and 5th respondents in Doc.Nos.1441/2021, 1796/2021 & 2164 of 2021.

For Petitioner : Mr.K.M.Balaji

For R1 to R3 : Mr.Yogesh Kannadasan
Special Government Pleader



ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the second respondent to conduct enquiry with regard to petitioner's complaint dated 11.12.2021 and cancel the registration executed by the 4th and 5th respondents in Doc.Nos.1441/2021, 1796/2021 & 2164 of 2021.

2. Heard, Mr.K.M.Balaji, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 to 3.

3. The petitioner lodged a complaint before the second respondent in respect of the sale deed executed by the fifth respondent in favour of the sixth and seventh respondents in respect of the property comprised in survey Nos.272/8A3 & 272/11A1 situated at Pudupatti Village, Boothalur, Thanjavur District.

4. A perusal of the complaint reveals that the petitioner is an advocate and his wife i.e., the fourth respondent herein is the Judicial Officer. According to the petitioner, the subject property purchased by his earning in the name of his wife, father-in-law and mother-in-law. Thereafter, there was a misunderstanding between them and as such they got separated and culminated into divorce petition, on the ground of cruelty in HMOP No.141 of 2014 on the file of the Principal Family Court, Trichy. Thereafter, the petitioner also filed a suit in O.S.No.840 of 2014 on the file of the III Additional District Munsif, Trichy for declaration declaring that the subject property in his favour.

5. Pending suit, the fourth respondent executed a release deed in favour of her mother, i.e., the fifth respondent herein, on 12.08.2021 registered vide document No.1441 of 2021. In turn, the fifth respondent sold the subject property by a registered sale deeds dated 27.09.2021 & 17.11.2021 vide document No.1796 of 2021 and 2164 of 2021 in favour of the sixth and seventh respondents respectively. The petitioner alleged that the entire transactions were fraudulent one.

6. Admittedly, the property purchased by the fourth and fifth respondents along with the husband of the fifth respondent in the year 1996, while she was practicing as an advocate the entire revenue records mutated in the name of the fourth, fifth respondent and husband of the fifth respondent herein. Thereafter, by a release deed dated 12.08.2021, the fourth respondent released her right in favour of the fifth respondent registered vide document No.1441 of 2021. In turn, the fifth respondent executed two sale deeds in favour of the sixth and



seventh respondents. Therefore, it cannot be said that fraudulent transaction has been made, there must be forging of signature by the title holder, impersonating the title holder and execution of the sale deed without any title over the property. Therefore, the release deed executed by the fourth respondent and the sale deeds executed by the fifth respondent in favour of the sixth and seventh respondents cannot be said as fraudulent one. In view of the above, the complaint lodged by the petitioner dated 11.12.2021 cannot be considered and the writ petition is devoid of merits.

7. In the result, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

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To

- 1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
Santhome, Chennai - 600 028.
- 2.The District Registrar,
Thanjavur Town,
Thanjavur.
- 3.The Sub-Registrar,
Boothalur Sub-Registrar's Office,
Boothalur Taluk,
Thanjavur District.

+1cc to M/s.K.M.Balaji, Advocate Sr.No.2279

+1cc to the Government Pleader Sr.No.3010

W.P.No.315 of 2022

VSN-II (CO)
RVM(07/02/2022)