

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.20159 OF 2013

The Tamil Nadu Brick & Tile Mrfs. Industrial
Service Co-op. Society Ltd.,
rep. by its Secretary
K.Rajan

... Petitioner

Vs.

1. The Inspector General of Registration,
Chennai - 600 028.
2. The District Registrar (South),
No.9, Jones Road,
Saidapet,
Chennai - 600 015.
3. The Sub Registrar,
Virugambakkam,
Chennai.
4. Mumtaj Beevi
5. Noor Beevi
6. Nazar
7. Fathima Beevi
8. Samshad Beevi
9. Hajara Beevi
- 10.Rahim

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 and 3 to take action on the complaint of the petitioner dated 08.07.2013 in the light of the circular of the Inspector General of Registration dated 03.11.2011 in circular No.67 and to cancel the settlement deed dated 15.04.2005 in Document No.2128/2005 executed between the respondents 4 to 10 and initiate criminal proceedings against the respondents 4 to 10.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.Yogesh Kannadasan for R1 to R3
Special Government Pleader
M/s.Mc.Gan Law Firm for R4 to R10

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 2 and 3 to take action on the complaint of the petitioner dated 08.07.2013 in the light of the Circular of the Inspector General of Registration dated 03.11.2011 in Circular No.67 and to cancel the settlement deed dated 15.04.2005 in Document No.2128/2005 executed between the respondents 4 to 10 and initiate criminal proceedings against the respondents 4 to 10.

2.The case of the petitioner is that one Abdul Kareem was the original owner of the subject property and he was in arrears of income tax and wealth tax to the tune of Rs.5,56,265/- and the income tax department proceeded against him for recovery of the amount. The said Abdul Kareem died on 05.02.1983 and hence the subject properties were brought to auction, after due notice to his legal heirs. The petitioner is the successful bidder and the petitioner society paid the entire sale consideration and the petitioner is in possession of the property from 06.06.1987.

3.The further case of the petitioner is that the respondents 4 to 10 entered into settlement deed on 15.04.2005 settling the subject property in favour of the fourth respondent and registered the same as Document No.2128 of 2005 on the file of the Sub Registrar, Virugampakkam. After coming to know about the same, the petitioner made complaint dated 08.07.2013, to the official respondents requesting to cancel the settlement deed and to take action against the private respondents in the light of the Circular of the Inspector General of Registration dated 03.11.2011 in Circular No.67 and since the same has not yet been considered, has filed this writ petition.

4.The learned counsel appearing for the petitioner submitted that this Court may issue direction to the respondents 2 and 3 to consider the petitioner's complaint dated 08.07.2013 and to pass appropriate orders within a reasonable time frame.

5.The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the Circular of the Inspector General of Registration dated 03.11.2011 in Circular No.67 was withdrawn on 20.10.2017 and all the subsequent orders were

recalled by 06.04.2018.

6.In view of the above, the relief sought for in this writ petition cannot be considered. However, liberty is granted to the petitioner to work out the remedy in the manner known to law.

7.This writ petition is accordingly closed. No costs. Consequently, connected miscellaneous petition/s, if any, is/are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
Chennai - 600 028.
2. The District Registrar (South),
No.9, Jones Road,
Saidapet,
Chennai - 600 015.
3. The Sub Registrar,
Virugambakkam,
Chennai.

+1cc to M/s.Mc.Gan Law Firm, Advocate, S.R.No.14836
+1cc to Mr.S.Doraisamy, Advocate, S.R.No.14841
+1cc to the Government Pleader, S.R.No.15503

W.P.No.20159 of 2013

MT(CO)
PM/04/04/2022