



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.4677 of 2022

D. Santhosh Kumar

... Petitioner

Versus

1. The District Registrar,
Chennai North
Kuralagam Building,
1st Floor, Parrys,
Chennai - 600 108.

2. L. Chinna Babu

3. L.Viswanathan

4. L.Chandraskaran

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the first respondent to take appropriate action, pursuant to the complaint, dated 09.12.2021 within a time frame as may be fixed by this Hon'ble Court.

For Petitioners : Mr.P. Raja

For Respondents : Mr.Yogesh Kannadasan
Spl. Govt. Pleader for R1

ORDER

This Writ Petition has been filed this petition seeking for issuance of a Writ of Mandamus, to direct the 1st respondent to take appropriate action, pursuant to the complaint, dated 09.12.2021

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the 1st respondent. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal. Since, no adverse order is being passed against respondents 2 to 4, notice to them is dispensed with.



3. The case of the petitioner is that his father is the owner of the property to an extent of 7200 sq. ft. bearing Door No.125, Madhavaram High Road, Perambur, Chennai - 600 011, comprised in S. No.59/2 T.S. No.44, 44/2, Block No11, in Sembium Village, Chennai - 600 011, registered by way of sale deed, dated 11.11.1981 as Document No.5198 of 1981 on the file of Sub-Registrar, Sembium. Out of the said extent, an extent of 4572 sq. ft. has already been sold to third parties and the remaining land is only to an extent of 2628 sq. ft. While so, his father died on 18.01.1997, leaving behind his mother, who is visually disabled, his brother and the petitioner as Legal Heirs. Later, on 10.08.2011, his brother also died leaving behind their mother, his brother's wife and his brother's children. That being so, on 26.05.2017, respondents 2 to 4 along with two others have created a bogus Release Deed bearing Document No.1880 of 2017, as if the petitioner and his deceased brother have released their share to their mother by an act of impersonation. Subsequently based on the above transaction, respondents 2 to 4 and their sons have created another fraudulent settlement deed in Document No.2250 of 2017 before the SRO, Sembium. It is alleged that both the aforesaid documents were created within a span of one month and in the above regard, the petitioner has lodged a complaint on 09.12.2021 before the 1st respondent to take action on the fraudulent documents. Since no action has been taken, the petitioner has come up with the present petition seeking for the aforesaid relief.

4. The learned counsel for the petitioner submits that subsequent to demise of petitioner's father, the said land belongs to the petitioner, petitioner's mother and legal heirs of the petitioner's deceased brother, whereas, the respondents 2 to 4 have created a bogus Release Deed and subsequently another fraudulent settlement deed in respect of the subject land. However, he submits that it would suffice, if this Court issues direction to the 1st respondent to take appropriate action pursuant to the petitioner's complaint, dated 09.12.2021 and pass appropriate orders within a reasonable time that may be fixed by this Court.

5. Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the 1st respondent, on instructions submitted that he has received a communication from the 1st respondent, dated 21.03.2022, wherein it is stated that enquiry date has been fixed on 04.04.2022 and the parties are informed to appear on that date before the 1st respondent along with relevant documents. Hence, he has no objection for issuance of direction to the 1st respondent to conclude the enquiry and pass orders on merits and in accordance with law, within a time stipulated by this Court.



6. Heard learned counsel on both sides and perused the materials available on record.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the 1st respondent to conclude the enquiry and resolve the issue and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order, affording an opportunity of hearing to the petitioner and aggrieved parties, if any.

8. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi2

To

The District Registrar,
Chennai North
Kuralagam Building,
1st Floor,
Parrys,
Chennai - 600 108.

+1cc to the Government Pleader, S.R.No.19510

W.P. No.4677 of 2022

MG(CO)
CT(29/04/2022)