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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.6223 of 2022

and

W.M.P.Nos.6282 and 6285 of 2022

B.Ashok Kumar

... Petitioner

Vs.

1.The Deputy Inspector General of registration,
Vellore zone, Vellore.

2.The District Registrar (Administration),
(in Asst.Inspector General of Administration cadre)
Vellore.

3.The Sub-Registrar, Natrampalli,
Natrampalli Taluk, Thirupathur District.

4.P.Murugesan

5.M.Thilagam

6.M.Vijayakumar

7.M.Shanmuga Sundar,

8.Mythili

9.Kalaiselvi

10.G.Chandrasekar

11.D.Sivajothi

12.D.Sumathi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records pertaining to the proceedings in Na.Ka.No.4664/Aa1/2021, dated 26.11.2021, on the file of the 2nd respondent, quash the same.

For Petitioner : Mr.R.Selvakumar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



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O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorari to call for the records pertaining to the proceedings in Na.Ka.No.4664/Aa1/2021, dated 26.11.2021, on the file of the 2nd respondent and quash the same.

2. The learned Special Government Pleader appearing for respondents takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the property comprised in New Survey No.342/10A, measuring an extent of 15 cents, situated at Natrampalli Village, Thirupathoor District, was originally owned by one Ponnusamy Gounder and the same was settled in favour of his daughter, viz., Lakshmi Ammal and son-in-law one Dakshinamurthy, vide Doc.No.391/1970, SRO, Jolarpet. The said Lakshmi Ammal and Dakshinamurthy, executed the said property only as "Security" in favour of the 4th respondent, vide Document No.1944 of 1981. While such being the case, the 4th respondent had executed a settlement deed in favour of the respondents 5 to 7 in respect of the very same property and thereafter, the respondents 5 to 7 entered into a partition among themselves in respect of the said property. In the meanwhile, the said Lakshmi Ammal, after the demise of her husband, had settled the property in favour of her son viz., Udayakumar and the respondents 11 and 12 vide Gift Deed in Document No.1973 of 2006. Aggrieved by the same, the 4th respondent filed a suit in O.S.No.295 of 2009 before the District Munsif Court, Thirupathoor and obtained ex-parte decree against the said Lakshmi Ammal, thereby, the said Udayakumar filed a suit for partition in O.S.No.32 of 2019, on the file of IIIrd Additional District Court, Thirupathur and after his demise, the petitioner herein has filed a impleading petition and the same is pending.

4. While so, the respondents 4 to 10 filed a petition before the 2nd respondent, seeking cancellation of the Document No.1673 of 2009 executed in favour of respondents 11 and 12 and the deceased Udayakumar and after adjudication, the 2nd respondent has passed the present impugned order, vide proceedings in Na.Ka.No.4664/Aa1/2021 dated 26.11.2021, declaring the said document as fraudulent and directed the Sub-Registrar not to register the subsequent documents which has the said document No.1673 of 2009 as the Source document. Challenging the same, this writ petition is filed with the above said prayer.



5. The learned counsel for the petitioner fairly submitted that, though the petitioner filed this Writ Petition challenging the order passed by the 2nd respondent, vide proceedings in Na.Ka.No.4664/Aa1/2021, dated 26.11.2021, as there is effective Appeal remedy available before the 1st respondent, the petitioner has availed the said remedy and filed an Appeal dated 10.01.2022 before the 1st respondent / Appellate Authority. Hence, he submitted that, this Court may issue direction to the 1st respondent to dispose of the appeal within the time frame that may be stipulated by this Court.

6. The learned Special Government Pleader appearing on behalf of the respondents 1 to 3 submitted that, the 2nd respondent has passed order dated 26.11.202, declaring the registered document bearing 1673/09 registered before the 3rd respondent as fraudulent document and directed the Sub-Registrar not to register the subsequent documents which has the said document No.1673 of 2009 as the Source document, as the said Lakshmi Ammal and her husband had executed the said property in favour of the 4th respondent vide Document No.1944 of 1981, the same cannot be executed in favour of her family members, vide Gift deed and the said Gift deed is not in accordance with law. Hence, he prays for dismissal of the present Writ petition.

7. Heard the arguments advanced by the learned counsel appearing on either side.

8. In view of the limited relief sought for by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on merits of the case, directs the 1st respondent to dispose of the petitioner's appeal dated 10.01.2022, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording opportunity of hearing to the petitioner and aggrieved parties, if any.

9. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



Psa
To

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- 1.The Deputy Inspector General of registration,
Vellore zone, Vellore.
- 2.The District Registrar (Administration),
(in Asst.Inspector General of Administration cadre)
Vellore.
- 3.The Sub-Registrar, Natrampalli,
Natrampalli Taluk,
Thirupathur District.

+1cc to M/s.R.Selvakumar, Advocate Sr.18713
+1cc to the Government Pleader Sr.19503

W.P. No.6223 of 2022

rr[co]
srg 06/04/2022