



W.P.No.9809 of 20--

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.10.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

**W.P.No.9809 of 2015
and M.P.No.1 of 2015**

P.Ravichandran

...Petitioner

Versus

- 1.The State of Tamilnadu
Represented by its Secretary,
Revenue Department,
Fort St.George,
Chennai – 600 009.
- 2.The Inspector General of Registration,
Santhome High Road,
Mylapore,
Chennai – 600 028.
- 3.The District Registrar,
Door No.50, Sankara Naidu Street,
Thiruppathiripuliyur,
Cuddalore – 607 002.
- 4.Joint Sub Registrar II,
Cuddalore – 607 002.
- 5.S.Karthick
- 6.S.Sivakumar
- 7.S.Ramachandran



8.S.Keshavamoorthy

9.S.Rajeswari

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records of the 4th respondent in issuance of letter in reference Na.Ka.No.228/2014, dated October 2014 and quash the same and direct the 2nd and 3rd respondents to annul the document in Doc.No.24 of 2014 on the file of Joint Sub-Registrar II, Cuddalore executed by the 5th to 8th respondents to and in favour of the 9th respondent.

For Petitioner	:	Mr.S.R.Ragunathan
For Respondents – 1 to 4	:	Mr.E.Vijay Anand, Additional Government Pleader
For Respondents – 5 to 9	:	Mr.V.Balamurugan

ORDER

The relief sought in this writ petition is to call for the records of the fourth respondent in issuance of letter in reference Na.Ka.No.228/2014, dated October 2014 and quash the same and direct the respondents 2 & 3 to annul the document in Doc.No.24 of 2014 on the file of Joint Sub-Registrar II, Cuddalore executed by the respondents 5 to 8, in favour of the ninth respondent.

2. The case of the petitioner is that his mother viz., Late P.Kowsalya



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had purchased a property admeasuring 2,730 Sq.ft in T.S.No.1026/1A at Plot No.22, Kowsalya Nagar, Thirupapuliur Village, Ward No.5, Block No.30 within the Sub Registration District of Cuddalore Joint-II Registration District of Cuddalore from one Ramanathan Chettiar vide Sale Deed dated 16.06.1977 which was registered as Document No.939 of 1977 on the file of Sub Registrar Office, Cuddalore. His mother died on 29.09.2013. After her demise, petitioner had applied for Legal Heirship Certificate. The Tahsildar, Cuddalore had issued a Legal Heirship Certificate in Reference Pa.Mu.A6-19024-2013 dated 29.10.2013 showing the petitioner and respondents 5 to 8 (four sons of petitioner's pre-deceased elder brother P.Sekar) as legal heirs of deceased Kowsalya. The petitioner is entitled to one half share of the aforesaid property by inheritance and the respondents 5 to 8 are entitled to other half share of the property. While so, respondents 5 to 8 had fraudulently created a Settlement Deed in respect of the aforesaid property and settled the said property in favour of ninth respondent (mother of respondents 5 to 8). When the petitioner applied for a certified copy of the fraudulent Settlement Deed created by the respondents 5 to 8, he came to know that the respondents 5 to 8 have tampered with the Legal Heirship Certificate by deleting his name and created a document in the same



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reference. Therefore, the aggrieved petitioner gave a representation dated 24.07.2014 to the respondents 2 & 3 requesting to annul the Document No.24 of 2014 which was registered on the file of fourth respondent. Thereafter, the petitioner gave a representation dated 06.08.2014 to the third respondent with the very same request and that apart, he had also lodged a police complaint against the respondents 5 to 9. During November 2014, the fourth respondent sent a letter in Na.Ka.No.228 of 2014 dated October 2014 to the petitioner stating that the Document No.24 of 2014 registered by the fourth respondent cannot be annulled, unless order is obtained from the Court. Challenging the said letter, the petitioner has filed the present writ petition before this Court for the reliefs stated *supra*.

3. The learned counsel for the petitioner submitted that the second respondent had issued a Circular No.67 dated 03.11.2011 in Ref.C.No. 52338/C1/2011, wherein, it is stipulated that the complaints of fraudulent registration, received by the Department to be investigated following summary procedure and orders passed annulling the registration if so required in respect of documents registered by practising a fraud. Without taking into consideration of the above Circular, the fourth respondent had



registered the fraudulent Settlement Deed submitted by the respondents 5 to

8. Therefore, the learned counsel prayed that appropriate direction may be issued to the respondents 2 & 3 to annul the Document No.24 of 2014 registered by the fourth respondent.

4. The learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that Circular No.67 dated 03.11.2011 issued by the second respondent has been stayed by this Court in M.P.No.1 to 1 of 2012 in W.P.Nos.26019 to 26021 of 2012 and thereafter the said circular was withdrawn on 20.10.2017. Therefore, the respondents 2 & 3 could not annul the Document No.24 of 2014 registered by the fourth respondent. He further submitted that the petitioner has alternative remedy before the competent Civil Court.

5. In view of the above submission made by the learned Additional Government Pleader appearing for the respondents 1 to 4, the learned counsel for petitioner prayed this Court to grant liberty to the petitioner to work out his remedy by way of filing a suit before the competent Civil Court.



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6. Recording the above submissions made by the learned counsel on either side, this writ petition is closed, however, liberty is granted to the petitioner to file a suit before the competent Civil Court or file a fresh complaint before the authority. On such suit or complaint being filed, the competent Civil Court or Authority shall consider the same and pass appropriate orders, on merits and in accordance with law, after issuing notice to the respondents 5 to 9. No costs. Consequently, connected miscellaneous petition is also closed.

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Index : Yes/No

Speaking Order (or) Non-Speaking Order

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M.DHANDAPANI, J.

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