



WEB COPY



W.P.No.22016 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 26.08.2022**

**CORAM:**

**THE HON'BLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.22016 of 2022**

P.M.Iruthayaraj

... Petitioner

vs.

1. The Inspector General of Registration,  
Registration Department,  
No.100, Santhome High Road,  
Raja Annamalaipuram, Chennai – 600 028.

2. The Deputy Inspector General of Registration,  
Coimbatore Zone,  
Registration Department,  
6/1, G.R.D.Road, Redfields,  
Coimbatore – 641 018.

3. The District Registrar (Admin.),  
Registration Department,  
Coimbatore,  
Coimbatore District.

4. R.Jayabalan

5. G.Gopalakrishnan

6. A.Sukumar

7. C.Jeevanandham

... Respondents



*W.P.No.22016 of 2022*

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to conduct enquiry on petitioner representation dated 13.05.2022 relates to property of 2 acres and 88 cents out of 8 acres and 65 cents in S.No.516, Patta No.569, Moppiripalayam Village, Palladam Taluk, Tiruppur District as per the circular 'Letter No.41530/U1/2017, dated 08.11.2017 issued by the first respondent and if fraudulent registration is proved in such enquiry, and it has become final, the same has to be recorded in the relevant register and it must be reflected in the Encumbrance certificate as per the instruction issued in the circular Letter No.20217/U1/2021 dated 09.07.2021 of the first respondent.

For Petitioner : Mr.S.Pushpakaran

For Respondents : Mr.Yogesh Kannadasan  
Special Government Pleader for RR1 to 3

### **ORDER**

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents to conduct enquiry on the petitioner's representation dated 13.05.2022 relating to property of 2 acres and 88 cents out of 8 acres and 65 cents in S.No.516, Patta No.569, Moppiripalayam Village, Palladam Taluk, Tiruppur District as per the circular 'Letter No.41530/U1/2017, dated 08.11.2017 issued by the first respondent.



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2. Since no adverse order is being passed against the respondents 4 to

7, notice to respondents 4 to 7 is dispensed with.

3. It is the case of the petitioner that originally the property in S.No.516 of an extent of 2 acres and 88 cents out of 8 acres and 65 cents was purchased by the petitioner's grandfather namely Avinasivalayan from one Marappa Gounder vide Sale Deed dated 09.07.1942. During the year 1946, the petitioner's grandfather died leaving behind the petitioner's father and others. Thereafter, the petitioner came to know that fraudulent Sale Deed dated 10.06.1957 of an extent of 1 acre and 44 ½ cents was executed by said Avinasi Valayan and his minor sons Karuppan, Chinna Karuppan and Rangan in favour of one Kandasamy Gounder and Sale Deed dated 24.12.2007 of an extent of 2 acres and 88 cents was executed by one Marappan and others in favour of the fourth respondent and Sale Deed dated 30.01.2018 of an extent of 2 acres and 88 cents was executed by the fourth respondent in favour of fifth respondent. As all the above said fraudulent Sale Deeds were executed in respect of the subject property, the petitioner made a representation 13.05.2022 before the respondents to



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cancel the aforesaid fraudulent documents and initiate criminal prosecution against the persons who committed the offence. Since the same was not considered by the respondents, the present Writ Petition has been filed seeking the aforesaid relief.

4. Though very many grounds have been raised in this Writ Petition, learned counsel appearing on behalf of the petitioner submits that it would suffice if this Court issues a direction to the respondents 1 to 3 to consider the petitioner's representation dated 13.05.2022 and pass appropriate orders on merits and in accordance with law within a particular time frame to be fixed by this Court.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Facts are not in dispute. The petitioner claims that the disputed property was originally owned by the said Avinasivalayan. However, the facts remains that the said Avinasivalayan already alienated the above said property vide Sale Deed dated 10.06.1957 in favour of said Kandasamy



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Gounder. Thereafter, one Marappan executed a Sale Deed dated 24.12.2007 in favour of fourth respondent and subsequently the fourth respondent executed a Sale Deed dated 30.01.2018 in favour of the fifth respondent. However, initial Sale Deed was executed by the said Avinasivalayan in the year 1957 and subsequent Sale Deed was executed by the said Marappan in the year 2007. As the issues raised in the present case are disputed question of facts, it cannot be adjudicated before this Court, after a lapse of five decades. Hence, the prayer sought for by the petitioner cannot be granted.

7. With the above observations and direction, this Writ Petition is dismissed with liberty to the petitioner to approach the competent Civil Court to agitate his grievance. No costs.

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RAP

Index : Yes/No

Speaking order : Yes/No



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**M.DHANDAPANI, J.**

RAP



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