

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.15575 of 2014

Mini R.C.

..Petitioner

Versus

1. The Inspector General of Registration
No.100, Santhome High Road
Chennai 28
2. The District Collector
No.62 Rajaji Salai Chennai 1
3. The District Registrar
Registration Department Chennai
4. The Tahsildar
Velachery Taluk Velachery Chennai 42
5. The Sub Registrar
Velachery Sub Registrar Office Chennai 42
6. K.Vinoth Kumar
7. K.Sunil Kumar
8. S.Srilaxumi
9. S.Sham Kumar
- 10.K.Anil Kumar
- 11.Umasankareswari
- 12.G.Sadhish
- 13.R.Prabhakaran
- 14.V.Mohan
- 15.Hema P.V.

.. Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third Respondent herein to initiate the criminal prosecution against the Respondents 6 to 10 and forthwith cancel the sale deed dated 09.03.2005 registered as document No. 1067 of 2005, on the file of Sub Registrar, Velachery illegally executed by Respondents 6 to 10 favouring 11th respondent.

For Petitioner : Mr.Krishna Prasad.R.

For Respondents : Mr. Yogesh Kannadasan for R1 to R5
Special Government Pleader
Mr.L.Chandrakumar for R6
Mr.S.Rajasekar for R11
Mr.S.Thankasivan
for R12 to R15

ORDER

This writ petition is filed seeking direction to the 3rd respondent to consider and pass orders on the petitioners representation dated 12.03.2021 .

2. According to the petitioner, her great grand father namely Mr.Damodharan Pilai had purchased two plots in S.Nos.130/1 and 130/2 both comprising to an extent of 3983 and 374 sq.ft., under the original sale deed in Doc.No.528/1974 dated 27.08.1974. The petitioner's great grand father had bequeathed his entire property by executing a will and the same is registered as Doc.No.151/1992 dated 14.09.1992 on the file of SRO, Fort, Trivandrum. While so, when the petitioner enquired the concerned revenue authorities, to her shock, she came to know that the aforesaid properties has been illegally transferred in favour one Mrs. Shyamala and upon the complaint to the District Collector, enquiry was conducted and the fabricated legal heirship certificate was cancelled restoring the original owner's name viz., Mr.Damodharan Pillai. Further, in order to the probate the Will, the petitioner filed a petition in O.P.No.103 of 2002 before this Court and the same is still pending. It is to be noted that Mrs.Shyamala had filed a suit in O.S. No. 7334 of 1999 against the order of cancellation of the legal heirship certificate issued in favour of the petitioner. Subsequently, Mrs.Shyamala died and the said suit was contested by her husband and sons and the same was dismissed as not pressed. Nevertheless, the petitioner came to know that the aforesaid properties were sold by the respondents 6 to 10 to one M/s. Kurinji Homes Ltd, whereas, a petition for probate of

Will is pending before this Court. Aggrieved by the sale of the said properties, which is bequeathed by the petitioner's great grand father in her favour by executing a Will, she preferred several complaints before the Vigilance commissioner, Inspector General of Registration, Chennai on 08.04.2013 and to the Deputy Secretary to Government dated 18.03.2013, the same is kept pending without any action. Hence, this petition.

3. When the matter is taken up for hearing , the learned counsel for the petitioner submitted that the petitioner filed a suit in C.S.No.882 of 2016 before this Court to cancel the sale deed in favour of the private respondents and restore the afore said properties in the name of the original owner and subsequently, the same was transferred to jurisdictional Court in O.S.No.6279 of 2019 and the same is pending. Hence, this court may permit the petitioner to canvas all the points before the concerned Court and grant liberty to the petitioners to file criminal complaint against the private respondents in the manner known to law.

4. The learned counsel for the private respondent submitted that during pendency of this petition, the petitioner has already filed a suit before the jurisdictional civil Court at Kerala State and the same was dismissed. As against which, the petitioner preferred appeal before the appellate Court and the same was also dismissed. Further, the petitioner filed a suit before this Court and subsequently, the same was transferred.

5. Heard, the learned counsel for the petitioner as well as the learned counsel appearing for the Government and the private respondents and perused the materials available on record.

6. Considering the facts and circumstances of the case and considering the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the petitioner to canvas all points before the concerned civil Court, where the suit in O.S.No.6279 of 2019 is pending.

7. With the aforesaid direction, this Writ Petition stands disposed of. No costs. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

rli

To

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Velachery Taluk Velachery Chennai 42
5. The Sub Registrar
Velachery Sub Registrar Office Chennai 42

+1cc to M/s.Sarvabhauman Associates, Advocate, S.R.No.37364

+1cc to Mr.S.Rajasekar, Advocate, S.R.No.37466

+1cc to the Government Pleader, S.R.No.38226

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SSD(CO)
UMA(21/07/2022)