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W.P. No. 25498 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.25498 of 2022

1. K.S.Viji
2. T.Palani
3. N.Udhayashankar
Petitioners

..

Versus

1 The Inspector General of Registration,
No.100 Santhome High Road,
Mandavelipakkam, Chennai-28.

2. The District Registrar
District Registrar Office,
Tiruvannamalai District.

3. The Joint II Sub Registrar,
Thiruvannamalai District.

4. P.Mohan

5. The Village Panchayat President,
Vada Aandampattu Village,
Tiruvannamalai District.

..Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to conduct free and fair enquiry in proceedings No.2744/E/ 2022, dated 23.05.2022 and



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No.5113/E/2022, dated 03.08.2022 on the file of the 2nd respondent pursuant to our representation dated 18.04.2022 and subsequent reminders followed by legal notice dated 14.07.2022 in respect of fraudulent documentation and registration of gift settlement deed dated 21.03.2022 in Doc. No.3371 of 2022 on the file 3rd respondent executed by the 4th respondent in respect of petitioners property bearing S.F. No.57/1 and 58/3A corresponding to old Ayan survey number 58/3 of Vada Aandampattu Village, Tiruvannamalai District and take appropriate action in terms of section 68 and 83 of the Registration Act against the fraudulent document read with circular of the first respondent in Letter No.41530/U1/2017 dated 11.03.2022 by affording reasonable opportunity of fair hearing to the petitioner in accordance with law and pass appropriate orders expeditiously.

For Petitioner : Mr.R.Prabakar

For Respondents : Mr. G.Krishna Raja, AGP RR1 to 3
Ms.Akila Rajendran, GA R5

ORDER

The petitioner has filed this writ petition seeking a direction to the directing the 2nd respondent to conduct free and fair enquiry in proceedings No.2744/E/ 2022, dated 23.05.2022 and No.5113/E/2022, dated 03.08.2022 on the file of the 2nd respondent pursuant to our representation dated 18.04.2022.

2. The case of the petitioner is that the petitioners are the owners of the

<https://www.mhc.tri.arn.ac.in> lands in S.Nos.58/3A measuring an extent of 3.15 cents and in S.No.57/1



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measuring an extent of 4.53 acres. The petitioners have jointly formed layouts in subject matter of the property in the name of Arunai Nagar and they have sold some plots to the third parties. Thereafter, the petitioners have made an application to the Deputy Director of Town and Country Planning Authority to regularize the unapproved plots and the said plots were regularized vide his proceedings dated 07.06.2019. Thereafter, the 4th respondent, without consent from the petitioner, by misusing his official capacity as President, had fraudulently created a gift settlement deed in respect of the petitioners property in favour of the 5th respondent, for which, the petitioners made a complaint before the Superintendent of Police and other official respondents against the 4th respondent. Aggrieved over the inaction of the second respondent to conduct and conclude enquiry, the petitioners have filed the present petition before this Court.

3. When the matter is taken up for hearing, the petitioners have filed an undertaking affidavit and stating that the petitioners are ready to execute the gift deed to the 5th respondent Panchayat within 15 days of all the places earmarked in the layout plan for public purpose like road and park.

4. The learned Government Advocate appearing on behalf of the



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respondents, on instructions, submitted that the enquiry will be conducted by second respondent and appropriate orders will be passed within the stipulated time as fixed by this Court.

5. Heard the learned counsel on either side and perused the materials available on record. Since no adverse orders are passed against the private respondent and hence, his presence is dispensed with.

6. Considering the facts and circumstances of the case, this Court directs the second respondent to conduct enquiry and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. Further, the petitioner is directed to execute a gift deed in respect of common area to the local body as per regularization approval dated 07.06.2019 within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

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Index : Yes/No

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M. DHANDAPANI, J.

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