



W.P.No.25736 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.25736 of 2022

Saraswathi

... Petitioner

VS.

1.The District Registrar
Krishnagiri District Registrar Office,
Krishnagiri District.

2.The Sub Registrar,
Hosur Sub Registrar Office,
Hosur, Krishnagiri District.

3.V.Veena

4.N.Prabhu

5.Meenachi

6.K.Venkatappa

7.Thimaraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the 1st and 2nd respondents to cancel the fraudulent documents executed by the respondents 3rd to 7th bearing Document Nos.4380/2002, 3346/2003, 2236/2008, 7687/2011 and 7696/2011 on the file of Sub-Registrar, Hosur, Krishnagiri District by considering the petitioner representation dated 12.08.2022.



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For Petitioner : Mr.T.Sellapandian

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the 1st and 2nd respondents to cancel the fraudulent documents executed by the respondents 3rd to 7th bearing Document Nos.4380/2002, 3346/2003, 2236/2008, 7687/2011 and 7696/2011 on the file of Sub-Registrar, Hosur, Krishnagiri District by considering the petitioner representation dated 12.08.2022.

2.The case of petitioner is that the land situated in S.No.118/2A8, measuring to an extent of 0.09.5 Ares in ancestral properties in Zuzuvadi Village, Hosur Taluk, Krishnagiri District was originally owned by her great grandfather late Kulappa, who died intestate leaving four sons as his legal heirs. In the year 1957, there was a family partition, registered as Document No.2415 of 1957 before the SRO, Hosur, Krishnagiri. In the said partition, S.No.118/2A8 was allotted to the petitioner's father. He was in



possession and enjoyment of the property till his death, in the year 2020. The above said property has been sold by creating fraudulent documents by the 3rd to 7th respondents by way of sale deed registered as Document Nos.4380/2002, 3346/2003, 2236/2008, 7687/2011 and 7696/2011 dated 29.11.2002, 18.08.2003, 18.02.2008, 06.06.2011, and 06.06.2011 respectively. Once the above transaction came to the knowledge of the petitioner, she made an representation to the 1st and 2nd respondents to cancel the above mentioned fraudulent documents. She also filed the legal heir certificate, for perusal of this Court to show that the respondents 3 to 7 are no way connected to the petitioner's father late K.Narayanappa. Therefore, the petitioner has come forward with the present Writ Petition.

3.The learned counsel for the petitioner would submit that the property was originally owned by one Kulappa. However, the above said property was partitioned among the legal heirs due to a family dispute registered as Document No.2415 of 1957 before the SRO, Hosur, Krishnagiri. In the said partition, S.No.118/2A8 was allotted to petitioner's father late K.Narayanappa, till his death in the year 2020.



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The respondents 3 to 7 by way of impersonation executed a sale deed in the year 2003 onwards. Challenging the said sale deeds, the petitioner made an complaint before the District Registrar under the Section 77A of the Indian Registration Act, 1908 and the same was not considered and hence, the petitioner has come forward with the present Writ Petition.

4.The learned counsel for the petitioner would further submit that this Court may issue a direction to the 1st respondent to consider the petitioner's representation dated 12.08.2022 in terms of Section 77A of the Indian Registration Act, 1908 within a time frame fixed by this Court.

5. The learned counsel appearing for the official respondents submitted that the petitioner's representation will be considered by the respondent on merits and in accordance with the law.

6. Since, no adverse orders have been passed as against the private respondent, notice to the private respondents are dispensed with.



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7.Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion, this Court is inclined to direct the 1st respondent to consider the petitioner's representation dated 12.08.2022 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the necessary parties, including the private respondents, within a period of twelve weeks from the date of receipt of a copy of this order.

7.Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

29.09.2022

Index : Yes/No
Speaking Order : Yes/No
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To

1.The District Registrar,
Krishnagiri District Registrar Office,
Krishnagiri District.



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2.The Sub Registrar,
Hosur Sub Registrar Office,
Hosur, Krishnagiri District.

M.DHANDAPANI,J.

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