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W.P.No.29001 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 03.11.2022**

CORAM :

**THE HONOURABLE MR. JUSTICE M. DHANDAPANI**

**W.P.No.29001 of 2022**

Karthik

... Petitioner

Vs.

1. Inspector General of Registration,  
Santhome, Chennai – 28.

2. The Deputy General of Registration,  
Cuddalore.

3. The District Registrar (Administration),  
Tindivanam,  
Villupuram District.

4. Amuthan  
Sub-Registrar,  
Mylam, Tindivanam.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1<sup>st</sup> respondent to take necessary action against the 4<sup>th</sup> respondent as recommended by the 3<sup>rd</sup> respondent in his proceedings No.Na.Ka.No.452/A1/2021 dated 17.03.2021.

For Petitioner : Mr.S.N.Subramani

For Respondents : Mr.G.Krishna Raja for RR1 to R3  
Additional Government Pleader



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**ORDER**

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct 1<sup>st</sup> respondent to take necessary action against the 4<sup>th</sup> respondent as recommended by the 3<sup>rd</sup> respondent in his proceedings No.Na.Ka.No.452/A1/2021 dated 17.03.2021.

2. Since no adverse order is being passed against the private respondents, notice to the private respondent is dispensed with.

3.The case of the petitioner is that the land bearing S.Nos.6/1, 5/5, 5/11, 5/2 originally belongs to petitioner's great grandfather namely Muthusamy Gounder, who died intestate leaving behind his two children as legal heirs. Both jointly purchased and sold several properties during 1925 to 1952. While so, one of the brother namely Munusamy died intestate leaving behind his son Elumalai as his legal heir. Thereafter, both Elumalai and Subramani Gounder partitioned their share in the presence of villagers and all revenue records were mutated in their name for their respective shares. The said Elumalai executed a bogus gift deed of the property which belongs to the petitioner in favour of his son Velu vide Doc.No.1527 of 2019 dated 21.06.2019. The 4<sup>th</sup> respondent



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colluded with Elumalai, and created forged death certificate of Munusamy and using the said forgery death certificate and obtained legal heirs certificate infavour of Elumalai left other legal heirs of Munusamy, created bogus gift deed with respect to the properties in S.No.6/1 admeasuring 40 Cents, S.No.5/5 admeasuring 17 Cents, S.No.5/11 admeasuring 0.05 Cents and in S.No.5/2 admeasuring 0.07 Cents, S.No.6/10 admeasuring 0.58 Cents, S.No.5/6 admeasuring 0.25 Cents, S.No.5/8 0.38 Cents, S.No.6/7A 0.08 Cents, S.No.5/3 admeasuring 0.05 Cents in Annamputhur Village, Thindivanam Taluk. Subsequently, the affected persons made a complaint against the illegal documentation. The 2<sup>nd</sup> and 3<sup>rd</sup> respondents had conducted a detailed enquiry and by proceedings of the 3<sup>rd</sup> respondent in Na.Ka.No.2445/A1/2019 dated 17.03.2021 directing the Sub-Registrar, Mylam to make endorsement about the bogus document in the E.C. The 2<sup>nd</sup> and 3<sup>rd</sup> respondents in their enquiry confirmed the deliberate negligence on the part of the 4<sup>th</sup> respondent and vide proceedings of the 3<sup>rd</sup> respondent in Na.Ka.No.452/A1/2021 dated 17.03.2021 recommended the 1<sup>st</sup> respondent/ Inspector General of Registration to take departmental action under Tamil Nadu Civil Service (Discipline and Appeal) Rules against the 4<sup>th</sup> respondent. However, till date, no action was taken on the above recommendation of the 3<sup>rd</sup> respondent. Hence, the petitioner has come forward with the present Writ



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4.The learned counsel for the petitioner submits that the petitioner along with the other affected persons made a complaint against the illegal documentation. The 2<sup>nd</sup> and 3<sup>rd</sup> respondents had conducted a detailed enquiry and by proceedings of the 3<sup>rd</sup> respondent in Na.Ka.No.2445/A1/2019 dated 17.03.2021 directing the Sub-Registrar, Mylam to make endorsement about the bogus document in the E.C. Pursuant to which the 2<sup>nd</sup> and 3<sup>rd</sup> respondents conducted a detailed enquiry and by proceedings of the 3<sup>rd</sup> respondent in Na.Ka.No.452/A1/2021 dated 17.03.2021 recommended the 1<sup>st</sup> respondent/ Inspector General of Registration to take departmental action under Tamil Nadu Civil Service (Discipline and Appeal) against the 4<sup>th</sup> respondent. However, till date, no action was taken on the above recommendation of the 3<sup>rd</sup> respondent. He further submitted that this it would suffice if this Court issues direction to the 1<sup>st</sup> respondent to take necessary action against the 4<sup>th</sup> respondent within a stipulated time as fixed by this Court.

5.Mr.G.Krishna Raja, learned Additional Government Pleader, appearing for the respondents submits that if any direction is given by this Court, the same will be complied with.



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6. Considering the facts and circumstances of the case, this Court is inclined to issue a direction to the 1<sup>st</sup> respondent to pass orders on the recommendations of the 3<sup>rd</sup> respondent, if not already passed and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is disposed of. No costs.

**03.11.2022**

Index : Yes / No  
Speaking order: Yes/ No  
gba

To

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3. The District Registrar (Administration),  
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**M.DHANDAPANI, J.**

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