



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P (MD) .No.2828 of 2022

Chelladurai

.. Petitioner

Vs.

1.The District Registrar,
O/o. District Registrar,
Periyakulam,
Theni District.

2.The Sub Registrar,
O/o. Sub Registrar,
Theni, Theni District.

3.Rajathi @ Singammal

4.Parameshwari

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd Respondents to cancel the illegal and fraudulent registration of Gift Settlement Deed vide Doc. No. 671/2017 dated 09.02.2017, executed by the 3rd Respondent in favour of the 4th Respondent and the further Gift Settlement Deed executed by the 4th Respondent in favour of the 3rd Respondent vide Doc.No. 10618/2021 dated 02.11.2021 and the consequential Gift Settlement Deed executed by the 3rd Respondent in favour of the 4th Respondent vide Doc.No. 12724/2021 dated 31.12.2021, in respect of the property comprised in Survey No. 320/3 an extent of 1.32.5 Hectare and Survey No. 320/4 an extent of 0.30.5 Ares and in total 1.63.0 Hectares, situated at Jangalpatti Village, Periyakulam Registration District, Theni District, on the basis of the petitioner's representations dated 28.01.2022, within the time frame that may be stipulated by this Court.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.J.John Rajadurai for R1 and R2
Government Advocate



ORDER

This writ petition has been filed for a Mandamus seeking a direction to the first and second respondents to consider the petitioner's representation, dated 28.01.2022, seeking for cancellation of certain documents, which according to him, has been fraudulently executed and registered.

2.Heard Mr.R.Murugan, learned counsel for the petitioner and Mr.J.John Rajadurai, learned Government Advocate, who accepts notice on behalf of the respondents 1 and 2.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.According to the petitioner, the documents mentioned in the prayer in this writ petition have been fraudulently executed and registered. He has given a representation on 28.01.2022, seeking for cancellation of those documents. Since the representation has not been considered, he has filed this writ petition.

5.On instructions, the learned Government Advocate appearing for the respondents would submit that enquiry has already commenced on the petitioner's representation. Since the enquiry has already commenced, a direction can be issued by this Court to the respondents 1 and 2 to pass final orders on the petitioner's representation dated 28.01.2022, seeking for cancellation of certain documents on account of the alleged fraud, within a time frame to be fixed by this Court, after hearing all the necessary parties, who will be aggrieved by any cancellation.

6.Accordingly, this Court directs the first and second respondents to consider the petitioner's representation dated 28.01.2022, seeking for cancellation of the documents mentioned in the prayer of this writ petition on account of the alleged fraud and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and other parties, who will be aggrieved by the said cancellation, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the aforesaid directions, this writ petition is disposed of. No costs.

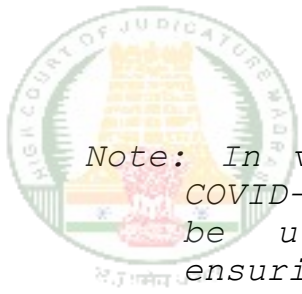
Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Registrar,
O/o. District Registrar,
Periyakulam,
Theni District.

2.The Sub Registrar,
O/o. Sub Registrar,
Theni, Theni District.

+1 CC to M/s.R.MURUGAN, Advocate (SR-6279[F] dated 15/02/2022)
+1 CC to M/s.SPL GP (SR-6179[F] dated 15/02/2022)

**W.P (MD) .No.2828 of 2022
11.02.2022**

VR(CO)
TR(21.02.2022) 3P 5C