



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.3207 of 2022

WEB COPY

Sathiskumar

... Petitioner

Vs.

- 1.The Inspector General of Registration,
Office of Inspector General of Registration,
Chennai.
- 2.The District Registrar,
District Registrar Office, Thanjavur District.
- 3.The Sub Registrar,
Sub Register Office,
Orathanadu.
- 4.The Tahsildar,
Orathanadu Taluk,
Thanjavur District.
- 5.Kumaresan,
then Village Administrative Officer,
37, Pudur, Orathanadu,
Thanjavur.
- 6.Vasanth
- 7.Kalaimakal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent Nos.1 to 3 to remove the fraudulent registration transaction made by the sixth respondent in favour of the seventh respondent in the third respondent office vide 505/2015 dated 06.04.2015 as per the unregistered forgery 'Will Document' created by the sixth respondent after two years of date of died of same deceased without hearing the legal heirs of same deceased without hearing the legal heirs of same Chinnayan about the 'Will Document' based on the petitioner's representation on 04.02.2022 with Circular Letter No.20217/U1/2021, dated 09.07.2021 within stipulated time that may fixed by this Court.

For Petitioner

: Mr.R.Senthiklumar

For R1 to R4

: Mr.S.Shanmugavel

Additional Government Pleader



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent Nos.1 to 3 to cancel the settlement deed dated 06.04.2015 registered as Document No.505/2015 on the ground that the said settlement deed has been fraudulently registered.

2. The petitioner has given a representation dated 04.02.2022 to the official respondents. According to him, based on a forged Will, the settlement deed dated 06.04.2015 registered as Document No.505/2015 has been registered. Hence, he has sought for cancellation of the said document. Since the representation dated 04.02.2022 has not been considered till date, he has filed this writ petition.

3. Heard Mr.R.Senthilkumar, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader who accepts notice for the respondents 1 to 4.

4. On instructions, the learned Additional Government Pleader appearing for the official respondents would submit that the representation of the petitioner dated 04.02.2022 has already been forwarded by the first respondent to the second respondent. The second respondent has also called for a report from the third respondent. Since the enquiry has already commenced on the petitioner's representation, no prejudice would be caused to the respondents if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner as well as the respondents 5 to 7 and other necessary parties, if any.

5. Accordingly, this Court directs the second respondent to consider the petitioner's representation dated 04.02.2022 seeking for cancellation of the settlement deed dated 06.04.2015 registered as Document No.505 / 2015 on the ground that the same has been fraudulently registered and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the respondents 5 to 7 and other necessary parties, if any within a period of three (3) months from the date of receipt of a copy of this order.

6. With the aforesaid directions, this writ petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-I)

// 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 Inspector General of Registration,
Office of Inspector General of Registration,
Chennai.
- 2.The District Registrar,
District Registrar Office, Thanjavur District.
- 3.The Sub Registrar,
Sub Register Office,
Orathanadu.
- 4.The Tahsildar,
Orathanadu Taluk,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-7460[F] dated 21/02/2022)

ORDER MADE IN
W.P.[MD]No.3207 of 2022
18.02.2022

SRR(CO)
TR(28.02.2022) 3P 6C