



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2022**

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3474 of 2022

Krishnamoorthy

... Petitioner

/Vs./

1.The District Registrar,
Pudukottai,
Pudukottai District.

2.The Sub Registrar,
Sub Registrar Office,
Keeranur,
Pudukottai District.

3.Kulanthaivelu

4.Vijaya

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st respondent to conduct enquiry and take appropriate action U/s.68 and 83 of the Registration Act against the respondents 3 and 4 for their fraudulent transaction committed in respect of the property measuring to an extent of 50 cents comprised in Survey No.324-7D1/A situated at Mandaiyur Village, Kulathur Taluk, Pudukottai District.

For Petitioner: Mr.T.Lenin Kumar

For R1 & R2 : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus, seeking for a direction to the first respondent to conduct enquiry and take appropriate action under Sections 68 and 83 of the Registration Act, 1908, against the respondents 3 and 4 for their alleged fraudulent transaction committed in respect of the property measuring to an extent of 50 cents comprised in Survey No.324-7D1/A situated at Mandaiyur Village, Kulathur Taluk, Pudukottai District and pass orders within a time frame to be fixed by this Court.



2.It is the case of the petitioner that fraudulently the third respondent has executed a settlement deed in respect of the petitioner's property in favour of his wife/fourth respondent under the settlement deed dated 04.08.2021 registered as Document No.3289 of 2021. He seeks for cancellation of the said settlement deed, as the property settled belongs to him absolutely. He has sought for initiation of action under Sections 68 and 83 of the Registration Act, 1908, by his representation against the respondents 3 and 4 for the alleged fraudulent transaction. Since the representation dated 24.11.2021 has not been considered till date, he has filed this writ petition.

3.Heard Mr.T.Lenin Kumar, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the respondents 1 and 2.

4.The petitioner has produced documents along with this writ petition to substantiate his claim that he is the absolute owner of the property measuring 50 cents comprised in S.No.324-7D1/A situated at Mandaiyur Village, Kulathur Taluk, Pudukottai District. It is for the official respondents to examine the same with regard to the claim of the petitioner that he is the absolute owner of the subject property.

5.According to the petitioner, the third respondent has executed a settlement deed registered with Document No.3289 of 2021 in favour of his wife/fourth respondent in respect of the property owned by the petitioner. Therefore, he has given a representation on 24.11.2021 to the official respondents calling upon them to conduct action against the respondents 3 and 4 under Sections 68 and 83 of the Registration Act, 1908.

6.No prejudice would be caused to the respondents, if the petitioner's representation dated 24.11.2021 is considered on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the respondents 3 and 4 and other necessary parties, if any.

7.Accordingly, this Court directs the first respondent to consider the petitioner's representation dated 24.11.2021 given under Sections 68 and 83 of the Registration Act, 1908, against the respondents 3 and 4, for the alleged fraudulent transaction through the settlement deed as Document No.3289 of 2021 dated 04.08.2021, in respect of the property measuring to an extent of 50 cents comprised in Survey No.324-7D1/A situated at Mandaiyur Village, Kulathur Taluk, Pudukottai District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, the respondents 3 and 4 and any other necessary party, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



8. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar (Crl Side)

WEB COPY

/TRUE COPY/

/ /2022
Sub Assistant Registrar (CS)

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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,
Pudukottai,
Pudukottai District.

2. The Sub Registrar,
Sub Registrar Office,
Keeranur,
Pudukottai District.

+1 CC to M/s.SPL GP (SR-8719[F] dated 25/02/2022)

order made in
W.P. [MD]No.3474 of 2022

Dated:

24.02.2022

MK/18.03.2022/3P/4C