



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.3551 of 2022

WEB COPY

V.Govindaraj

... Petitioner

Vs

1.The District Registrar,
Ariyalur,
Ariyalur District.

2.The Sub Registrar,
Sub Registrar Office,
Lalgudi,
Trichy District.

3.Kumaravel

4.Velraj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a 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 00250 sq. meter comprised in Old Survey No.163/1-Part and New Survey No.191/6, situated at Peruvalanallur West Village, Lalgudi Taluk, Trichy District.

For Petitioner : Mr.T.Lenin Kumar

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

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 against the respondents 3 and 4 for their fraudulent transaction committed in respect of the property measuring an extent of 00250 sq. meter comprised in Old Survey No.163/1-Part and New Survey No.191/6, situated at Peruvalanallur West Village, Lalgudi Taluk, Trichy District and pass orders within a time frame to be fixed by this Court based on the petitioner's representation, dated 18.10.2021.



2.It is the case of the petitioner that the aforementioned property belongs to his father. According to him, fraudulently, the third and fourth respondents have executed a partition deed, partitioning the aforementioned property among themselves under a partition deed dated 07.10.2021. The petitioner seeks for cancellation of the said document under Sections 68 and 83 of the Registration Act. He has given a representation on 18.10.2021. Since the said representation has not been considered till date, he has filed this writ petition.

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

4.On instructions, the learned Government Advocate submits that enquiry on the petitioner's representation has already commenced. The petitioner has also produced in the typed set of papers the notice received by the petitioner in the enquiry proceedings.

5.No prejudice will be caused to the official respondents, if the petitioner's representation dated 18.10.2021, seeking for cancellation of the partition deed, dated 07.10.2021, is considered on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the third and fourth respondents and other necessary parties, if any.

6.Accordingly, this Court directs the first respondent to consider the petitioner's representation dated 18.10.2021, seeking for cancellation of the partition deed dated 07.10.2021, under Sections 68 & 83 of the Registration Act and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the respondents 3 and 4 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/-

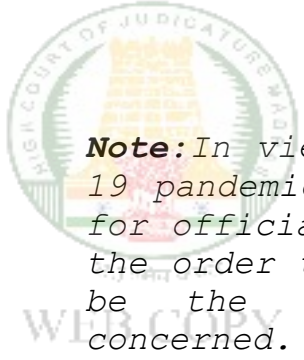
Assistant Registrar (AE)

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/ /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,
Ariyalur,
Ariyalur District.

2.The Sub Registrar,
Sub Registrar Office,
Lalgudi,
Trichy District.

+1 CC to M/s.SPL GP (SR-8769[F] dated 25/02/2022)

ORDER MADE IN
W.P. (MD)No.3551 of 2022
24.02.2022

KVL/12.03.2022/3P/4C