



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.4647 of 2022

K.Alagarsamy

... Petitioner

Vs.

- 1.The Inspector General of Registration,
Registration Department,
No.100, Santhom High Road,
Pattinampakkam, Santhom,
Chennai - 600 028.
- 2.The Deputy Inspector General of Registration,
Office of the Deputy Inspector General of Registration,
Rajakambeeram,
Thiruvathavur Road,
Madurai - 625 107.
- 3.The District Registrar,
Thoothukudi District,
Thoothukudi.
- 4.The Sub-Registrar,
Sub-Registrar Office,
Pudur, Vilathikulam Taluk,
Thoothukudi District.

5.Amutha

6.Sridevi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 23.02.2022 and to cancel the illegal and forged Partition Deed No.2064 of 2021 dated 02.12.2021 created by the respondents 5 and 6 on the basis of the Circular Letter No.20217/U1/2021 dated 09.07.2021 issued by the first respondent.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents 1 to 4 : Mr.S.Shanmugavel

Additional Government Pleader



O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 4 to consider the petitioner's representation dated 23.02.2022 requesting the respondents 1 to 4 to cancel the illegal and forged Partition Deed No.2064 of 2021 dated 02.12.2021 created by the respondents 5 and 6 based on the Circular Letter No.20217/U1/2021 dated 09.07.2021 issued by the first respondent, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that a fraud has been played upon him by the fifth and sixth respondents who have got a partition deed dated 02.12.2021 registered as Document No.2064 of 2021. According to the petitioner, the aforementioned partition deed is a fabricated document and a fraud has been played upon the petitioner. He has given a representation on 23.02.2022 to the respondents 1 to 4 seeking for cancellation of the said document. Since the representation has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.M.R.Sreenivasan, learned Counsel appearing for the writ petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 4.

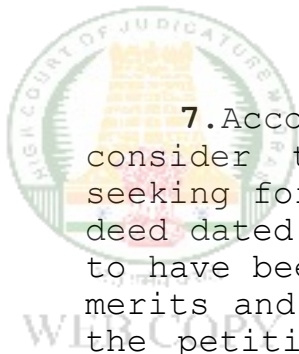
4.In support of the petitioner's contention he has also relied upon the following authorities:

a) A Single Bench judgment of this Court in the case of **J.Jayaniithaa Vs. The Inspector General of Registration, Chennai and another** reported in (2021) 1 CTC 839.

b) Another Single Bench judgment of this Court in the case of **B.Mahendran Vs. The Inspector General of Registration, Chennai and others** reported in (2021) 6 MLJ 621.

5.However, learned Additional Government Pleader appearing for the respondents relied upon a judgment of the Hon'ble Supreme Court in the case of **Satya Pal Anand Vs. State of Madhya Pradesh** reported in (2016) 10 SCC 767 and would submit that the only remedy available to the petitioner is to approach the Civil Court for the relief he has sought for in his representation. The same is recorded.

6.After giving due consideration to the respective submissions made by the respective Counsels, this Court is of the considered view that 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, in the light of the decisions relied upon by the learned Counsel for the petitioner and the decision of the Hon'ble Supreme Court as relied upon by the learned Additional Government Pleader.



7. Accordingly, this Court directs the third respondent to consider the representation of the petitioner dated 23.02.2022 seeking for cancellation of the alleged illegal and forged partition deed dated 02.12.2021 registered as Document No.2064 of 2021 alleged to have been created by respondents 5 and 6 and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the respondents 4 and 5 as well as any other necessary party whom the third respondent deems fit to enquire within a period of twelve [12] weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

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,
Registration Department,
No.100, Santhom High Road,
Pattinampakkam, Santhom,
Chennai - 600 028.
2. The Deputy Inspector General of Registration,
Office of the Deputy Inspector General of Registration,
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3. The District Registrar,
Thoothukudi District,
Thoothukudi.



4.The Sub-Registrar,
Sub-Registrar Office,
Pudur, Vilathikulam Taluk,
Thoothukudi District.

+1 CC to M/s.SPL GP (SR-12704[F] dated 17/03/2022)

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-12595[F]dated 16/03/2022

ORDER MADE IN
W.P.[MD]No.4647 of 2022
16.03.2022

PKP/28.03.2022/4P/7C