



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.6735 of 2022

S.Nagendran

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
Santhome Salai,
Chennai.

2.The District Registrar,
Registration Department,
Virudhunagar.

3.The Sub-Registrar,
Veeracholan Sub-Registrar Office,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents particularly the second respondent to conduct the enquiry on the registration of Document No.349/2008 and Document No.335/2019 which was registered by the third respondent and consider the petitioner's representation dated 18.03.2022.

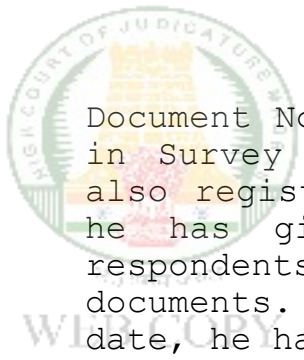
For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.S.Shanmugavel,
Additional Government Pleader.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the second respondent to conduct enquiry with regard to the representation dated 10.03.2022 given by the petitioner seeking for cancellation of Document Nos.349/2008 and 335/2019 registered with the third respondent and pass final orders within a time frame to be fixed by this Court.

2. The contention of the petitioner is that his brother, S.Thangaraj, has fraudulently executed a sale deed in favour of one Panneerselvam registered as Document No.349 of 2008 with the third respondent. Subsequently, Document No.335/2019 was also registered with the third respondent. According to the petitioner, his grandfather, Ramasamy Servai was the owner of the land at Veerakudi Group Village in Survey No.33/5A2 along with other properties. After his death, the father of the petitioner was in possession and enjoyment of the same. According to the petitioner, after the demise of his father, he and his brother, S.Thangaraj, jointly enjoyed the property and the revenue records also stood in their joint names. According to him, his brother has fraudulently executed a sale deed in favour of one Panneerselvam registered as



Document No.349 of 2008 for the property at Veerakudi Group Village in Survey No.33/5A2 and subsequently Document No.335 of 2019 was also registered with the third respondent. In such circumstances, he has given a representation on 10.03.2022 to the official respondents seeking for cancellation of the aforementioned documents. Since his representation has not been considered till date, he has filed this Writ Petition.

3. Heard Mr.S.Sivakumar, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. The petitioner has filed the copies of the documents along with this Writ Petition to substantiate his claim that the aforementioned documents have been registered fraudulently by his brother, S.Thangaraj. It is for the respondents to consider the same on merits and in accordance with law. The petitioner has given a representation on 10.03.2022 seeking for cancellation of the aforementioned documents.

5. 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 and his brother, S.Thangaraj and any other necessary party, whom the second respondent deems fit to enquire.

6. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 10.03.2022 seeking for cancellation of Document Nos.349/2008 and 335/2019 registered with the third respondent and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and his brother, S.Thangaraj and any other necessary party, whom the second respondent deems fit to enquire, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

To

1.The Inspector General of Registration,
Registration Department,
Santhome Salai,
Chennai.



2.The District Registrar,
Registration Department,
Virudhunagar.

3.The Sub-Registrar,
Veeracholan Sub-Registrar Office,
Virudhunagar District.

+1 CC to M/s.S. SIVA KUMAR, Advocate (SR-18244[F] dated
12/04/2022)

+1 CC to M/s.SPL.GP. (SR-18578[F] dated 13/04/2022)

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MGJ(27.04.2022) 3P 6C