



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.8704 of 2022

and

W.M.P. (MD) .No.6363 of 2022

Michal Rasu

.. Petitioner

Vs

- 1.The Deputy Inspector General of Registration,
Office of the Deputy Inspector General of Registration,
Madurai.
- 2.The District Registrar,
Office of the District Registrar,
Ramanathapuram.
- 3.The District Registrar (Administration),
Office of the District Registrar,
Karaikudi.
- 4.The Sub-Registrar,
Thondi Sub Registrar Office,
Ramanathapuram District.
- 5.The Tahsildar,
Taluk Office, Thiruvadanai,
Ramanathapuram District.
- 6.Michael
- 7.Punitha Michel Athithoothar Temple
Periya Ariyapavayal Village,
Thiruvadanai Taluk,
Ramanathapuram District,
represented through present Trustees,
1.Jesu, S/o. Arulanandu Udaiyar
2.Xavier, S/o. Manicam Udaiyar,
3.Jeyaseelan, S/o. Michal Udaiyar

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to conduct enquiry and annulment of the gift deed executed by the

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sixth respondent in favour of the seventh respondent vide Document No.66 of 2021 on 20.01.2021 on the file of the fourth respondent on the basis of the petitioner's representation dated 22.03.2022.

For Petitioner : Mr.D.Senthil
For R-1 to R-5 : Mr.J.John Rajadurai
Government Advocate

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ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to conduct enquiry and annulment of the gift deed executed by the sixth respondent in favour of the seventh respondent vide Document No.66 of 2021 on 20.01.2021, on the file of the fourth respondent, based on the petitioner's representation, dated 22.03.2022, within a time frame to be fixed by this Court.

2.According to the petitioner, the aforementioned gift deed is a fraudulent document. According to the petitioner, the 6th respondent has filed a civil suit against the petitioner, which was dismissed and thereafter, an appeal was also filed by the 6th respondent, which also came to be dismissed. The said suit was filed for a declaratory relief. According to the petitioner, having filed a suit to get a relief of declaration from a competent civil Court, the 6th respondent has fraudulently executed the gift deed in favour of the 7th respondent, which has to be cancelled. In such circumstances, the petitioner has given the aforementioned representation, dated 22.03.2022, to the official respondents. Since the representation has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.D.Senthil, learned counsel appearing for the petitioner and Mr.J.John Rajadurai, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 5.

4.No prejudice will be caused to the respondents, if the petitioner's representation stated supra, is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, 6th and 7th respondents and any other necessary parties, whom the third respondent deems fit to enquire.

5.For the foregoing reasons, this Court directs the third respondent to pass final orders on the petitioner's representation, dated 22.03.2022, seeking for cancellation of the gift deed, executed by the 6th respondent in favour of the 7th respondent vide document No. 66 of 2021, dated 20.01.2021, within a period of twelve weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner, 6th and 7th respondents and any other necessary party, whom the third respondent deems fit to enquire.



6. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// 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 Deputy Inspector General of Registration,
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Madurai.
2. The District Registrar,
Office of the District Registrar,
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3. The District Registrar (Administration),
Office of the District Registrar,
Karaikudi.
4. The Sub-Registrar,
Thondi Sub Registrar Office,
Ramanathapuram District.
5. The Tahsildar,
Taluk Office, Thiruvadanai,
Ramanathapuram District.

+1 CC to M/s.SPL.GP (SR-23302[F] dated 04/05/2022)

W.P. (MD)No.8704 of 2022

29.04.2022

SG (CO)

GC (23.05.2022) 3P 7C