



W.P(MD)No.5013 of 2014

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.10.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.5013 of 2014

and

M.P(MD)No.2 of 2014

1.KR.Uthaman
2.AR.Nellian
3.N.Alamelu
4.N.Chinnathurai
5.N.Chandravalli
6.N.Arumugam

... Petitioners

Vs.

1.The Inspector General of Registration,
Department of Registration,
No.100, Santhom High Road,
Chennai-28.

2.The Sub Registrar,
Karaikudi Joint II,
Senjai,
Karaikudi,
Sivagangai District.

3.A.Chelvan
4.Santhi

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation, dated 11.12.2013 and 25.02.2014 and to direct the second respondent to cancel the impugned document, document No.3907/2013 registered by the second respondent as per the representation till the disposal of the this writ petition.

For Petitioners : M/s.S.Sivailayaraja
for M/s.R.S.T.Ravanan @ Ramasubramanian

For R-1 & R-2 : M/s.S.Jeyapriya
Government Advocate

For R-3 & R-4 : No appearance

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the first respondent herein to conduct an enquiry based upon the representation, dated 11.12.2013 and to direct the second respondent to cancel the document in document No.3907/2013.

2. According to the learned Counsel for the petitioners, the property in dispute was allotted in a partition deed, in which the writ petitioners and the third respondent were parties. Though the property



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was allotted in their favour under the said partition deed, the third respondent has chosen to execute a registered settlement deed in favour of his wife, clearly in contravention of the registered partition deed. Hence, according to the writ petitioners, the settlement deed executed by the third respondent in favour of his wife (fourth respondent) is a forged document and hence, the first respondent herein is having no jurisdiction to entertain the complaint and conduct an enquiry.

3. Per contra, the learned Government Advocate for the first and second respondents herein contends that the dispute is a civil dispute between the parties and the respondent authorities cannot interfere in such a dispute.

4. The allegation made in the affidavit will clearly indicate that the petitioners are questioning the impugned document No.3907/2013 on the ground that it is clearly in violation of the already registered partition deed between the petitioners and the third respondent herein and the said impugned document is a forged document. However, the first respondent has no jurisdiction to conduct any enquiry.



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5. In view of the above said facts, this Court passes the following order:

"The petitioners are directed to give a fresh representation to the District Registrar concerned and he is directed to consider the said representation on merits and in accordance with law, after affording due opportunity to the writ petitioners and the third and fourth respondents herein in the light of Section 22-B of the Registration Act."

6. The writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

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Index : Yes / No
Internet : Yes / No
btr



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To

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R.VIJAYAKUMAR, J.

btr

Order made in
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