



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 28.09.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22698 of 2022

P.Oyyammal

..Petitioner

Vs

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome Highways Road,
Rajaannamalaipuram,
Chennai – 600 028.

2.The District Registrar,
District Registrar Office,
Rajakambeeram,
Y.Othakkadai.

3.The Sub-Registrar,
Melur Sub-Registrar Office,
Melur,
Madurai District.

4.O.Ayyananan

5.Ramakrishnan

6.A.Ramesh @ Oyyappan

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to complete the enquiry process in his proceedings in Na.Ka.NO.5155/A3/2022-23, dated 02.08.2022 in the light of Letter No. 24819/C1/2021, dated 14.09.2022 issued by the first respondent within the time stipulated by this Court.



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2

For Petitioner : Mr.P.Balamurugan

For Respondents: Mr.K.S.Selvaganesan
1 to 3 Addl.Govt.Pleader

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the second respondent to complete the enquiry process in his proceedings in Na.Ka.NO.5155/A3/2022-23, dated 02.08.2022 in the light of Letter No.24819/C1/2021, dated 14.09.2022 issued by the first respondent within the time stipulated by this Court.

2.Mr.K.S.Selvaganesan, learned Additional Government Pleader takes notice for the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that the Petitioner's father Ayyanan and mother Ramu had 8 legal heirs and they have jointly purchased the petition mentioned properties situated at A.Vallalapatti Village, Melur Taluk, Madurai District and from the date of purchase, they are in peaceful possession and enjoyment of the said properties. The sixth respondent, who is the brother of the Petitioner has managed all the properties. By using the innocence of the Petitioner, his parents, sisters and brothers have created a fraudulent partition deed, dated 16.4.2015 in Document No.1744 of 2015, on the file of third respondent and as per



family properties scheduled as A, B and C and as per the partition deed, they were allotted to respondents 4, 5 and 6 respectively. Since the entire properties were purchased from and out of the joint family income, the Petitioner has lodged a complaint on 19.09.2021 to the respondents 1 to 3 about the fraudulent registration of respondents 4 to 6 and the same was taken on file by the second respondent in Na.Ka.No.5155/A3/2022-2 dated 2.8.2022 and issued summons to the Petitioner as well as to other parties. However the second respondent not proceeded with same as per the letter of the first respondent in Letter No.24819/C1/2021, dated 14.09.2022. Hence the Petitioner has filed this Writ Petition for the relief stated supra.

4. The Petitioner's request was considered by the authorities namely, the District Registrar and the Petitioner and others were asked to appear before him for enquiry on 23.08.2022 at 12.30 p.m. The Petitioner has also submitted the relevant documents and appear before the authorities, however, other respondents have not appeared and hence there is no further progress in the matter after 23.08.2022. The Petitioner was enquired only on 23.08.2022. Without waiting for the outcome of the same, the Petitioner has filed this Writ Petition immediately.

5. In view of the above, this Court, without going into the merits of the matter, directs the second respondent to complete the enquiry



process in his proceedings in Na.Ka.NO.5155/A3/2022-23, dated 02.08.2022 in the light of Letter No.24819/C1/2021, dated 14.09.2022 issued by the first respondent and based on the new amendment made under Section 77-A of the Registration Act, 1908, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, as expeditiously as possible.

6.With the above directions, the Writ Petition stands disposed of. No costs.

28.09.2022

Index : Yes/No

Internet:Yes/No

vsn

To

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Melur Sub-Registrar Office,
Melur,
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5

V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN
W.P(MD)No.22698 of 2022

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