



W.P(MD)No.7206 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.7206 of 2015

and

M.P(MD)No.1 of 2015

Jeyaraman

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai-600 028.

2.The District Registrar (Administration),
Trichy.

3.The Sub Registrar,
Thiruverambur,
Trichy District.

4.Chandra Bai

5.The Zonal Deputy Tahsildar,
Thiruverambur Taluk,
Trichy District.

6.Sekar

7.Karuppusamy

8.Palani



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9.Chinnamani
10.Srinidhi

... Respondents

(Respondents 9 and 10 are impleaded vide Court order, dated 08.11.2022, in W.M.P(MD)Nos.14062, 14063 & 14066 of 2020 in W.P(MD)Nos.7204, 7205 & 7206 of 2015)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to strike off the registration of document bearing No. 5890/2014, dated 03.11.2014 and the consequential document bearing No.6019/2014 dated 11.11.2014 and No.6020/ 2014, dated 11.11.2014, on the file of the third respondent.

For Petitioner : M/s.M.Saravanan

For R-1 to R-3 : M/s.S.R.A.Ramachandran
Additional Government Pleader

For R-4, R-9 & R-10 : No appearance

For R-5 : M/s.A.Baskaran
Additional Government Pleader

For R-6 to R-8 : M/s.Pandi Priya
for M/s.M.Siddharthan



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ORDER

The present Writ Petition has been filed for a Writ of Mandamus to quash a partition deed said to have been executed by the respondents 6 to 8 among themselves on 03.11.2014 and the consequential two documents executed by the respondents 6 to 8 on 11.11.2014.

2. According to the learned Counsel for the petitioner, a joint patta was standing in the names of the writ petitioner along with respondents 6 to 8 in patta No.741 and another joint patta was standing in the names of the petitioner and the respondents 6 to 8 herein in patta No.714. In both these joint pattas, writ petitioner's name and his mother's name were reflected. The name of the private respondents, namely, respondents 6 to 8 are also reflected in the said joint patta. Hence, according to the learned Counsel for the petitioner, all of them are joint owners of the properties as reflected in both the pattas.



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3. According to the learned Counsel for the petitioner, the private respondents had attempted to create certain documents and hence, he lodged a protest petition before the concerned Sub-Registrar on 27.10.2014, which was acknowledged by the said Sub-Registrar on 06.11.2014. However, the private respondents 6 to 8 herein managed to present a partition deed among themselves on 03.11.2014, as if, the property belongs to them jointly excluding the writ petitioner and his mother. The said document was registered on 03.11.2014 in document No.5890/2014 on the file of the third respondent herein.

4. According to the writ petitioner, along with the partition deed, in support of the joint ownership, the respondents 6 to 8 have forged patta Nos.741 and 714, by deleting the name of the writ petitioner and his mother and the said forged document was placed along with the partition deed for registration. Relying upon the said forged patta, the third respondent has proceeded to register the said partition deed among respondents 6 to 8. On the basis of the said partition deed, respondents 6 to 8 have proceeded to execute document No.6019/2014 on 11.11.2014 and document No.6020/2014 on 11.11.2014. According to the learned



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Counsel for the petitioner, since the partition deed, dated 03.11.2014 has been executed on the basis of a forged document, the consequential documents are also not valid and hence, all the three documents should be struck off by the Court.

5. Per contra, the learned Counsel appearing for the private respondents contended that the writ petitioner and his mother were allotted some other properties and the revenue records, including 'A' Register stand in the name of respondents 6 to 8 and hence, they are entitled to register the partition deed, dated 03.11.2014. She further contends that no forged patta was presented along with the partition deed. She further contends that, in case, if the petitioner feels that it is a joint family property, it is for them to approach the competent civil Court, by filing a suit for partition and the partition deed already registered cannot be set aside by this Court. Hence, she prayed for dismissal of the writ petition.

6. I have carefully considered the submissions made on either side.



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7. A serious allegation has been raised by the writ petitioner that patta Nos.741 and 714 in Thirunedunkulam Village, Thiruverambur Taluk issued by the Deputy Tahsildar, Thiruverambur, have been forged by deleting the names of the writ petitioner and his mother Maliammal and thereafter presented before the third respondent along with the partition deed, dated 03.11.2014, in document No.5890/2014. The learned Counsel for the petitioner had also obtained these two pattas under the Right to Information Act to indicate that the names of the writ petitioner and his mother have been deleted by committing forgery and thereafter, they have been presented before the Sub-Registrar. Since serious allegations have been made as against the registration of the partition deed and the consequential documents executed by the sixth and eighth respondents, it requires a thorough investigation by the second respondent herein. The petitioner has not chosen to file any application before the second respondent and he has directly approach this Court for quashing the said documents. This Court is not in a position to consider the said prayer and quash the said documents, without an enquiry being conducted by the second respondent herein.



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

"(i) The petitioner is at liberty to file an application before the second respondent invoking his powers under Section 77-A of the Registration Act for an enquiry into the alleged irregularities in the registration of the document No. 5890/2014, dated 03.11.2014 and the two other consequential documents.

"(ii) If, any such application is filed, the second respondent shall conduct a detailed enquiry on merits and in accordance with law, after affording due opportunity to the writ petitioner and respondents 6 to 8."

9. With the above said observation, the writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

11.11.2022



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Index : Yes / No
Internet : Yes / No
btr

To

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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.7206 of 2015

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