



W.P.(MD)No.23016 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.09.2022

CORAM

**THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN**

Writ Petition (MD) No.23016 of 2022

A.L.Srinivasan

.. Petitioner

Versus

The District Registrar,  
Thanjavur Registration District,  
Thanjavur.

.. Respondent

**Prayer :-** Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to consider the petitioner's representation, dated 09.07.2022, made with regard to cancellation of fraudulent sale transaction registered in Document No.2373/2015, on the file of the Sub-Registrar, Kumbakonam, within the time limit that may be stipulated by this Court.

|                |   |                                                      |
|----------------|---|------------------------------------------------------|
| For Petitioner | : | Mr.G.Thalaimutharasu                                 |
| For Respondent | : | Mr.K.S.Selvaganesan<br>Additional Government Pleader |

### **ORDER**

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondent to consider his representation, dated 09.07.2022, made with regard to cancellation of fraudulent sale transaction, registered in Document No.2373/2015, on the file of the Sub-Registrar, Kumbakonam, within the time limit that may be stipulated by this Court.



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2.The case of the petitioner is that his father namely, A.B.Lakshmanan passed away in the year 2000, leaving behind the petitioner, his sister and mother as his legal heirs. The petitioner's grandmother and aunt taking undue advantage of the death of his father, tried to oust them from the ancestral property and engaged henchmen and started giving trouble from the year 2010, by fabricating documents. In order to prevent the henchmen and their principal agents from entering into the property, the petitioner's mother has filed a suit in O.S.No.594 of 2010, before the District Munsif Court, Kumbakonam, for injunction, on 10.11.2010. On knowing the same, they engaged henchmen, who trespassed into the petitioner's house on 14.11.2010 and abused his mother and sister in filthy language and threatened them with dire consequences, and therefore, a complaint has been preferred. The Additional Superintendent of Police has prepared a report dated 31.03.2011. The petitioner's sister filed W.P.(MD)No.13608 of 2011 before this Court. This Court, vide order dated 28.03.2012, directed to register a criminal case against the henchmen and thereby, a criminal case in Crime No.162 of 2012 has been registered against them and the same is pending trial in C.C.No.226 of 2019 on the file of the learned Judicial Magistrate Court No.I, Kumbakonam.



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3.The petitioner further submits that the trial Court counsel on record was also threatened with dire consequences by the henchmen and they have snatched the case bundle from him. Fearing threat of life and modesty, the petitioner moved out of Kumbakonam in the year 2012 itself and the suit was dismissed for default. Thereafter, the petitioner came to know that the property, which is in litigation, was fraudulently sold by the accused in the criminal case to his own family members. The registered power deed is not reflected in the encumbrance and the property was sold fraudulently by relying fabricated documents.

4.The petitioner also submits that the property has been sold fraudulently and by suppression, without the knowledge of the original legal heirs, Document No.2373/2015 was registered by the Sub-Registrar, Kumbakonam. Based on it, further transactions took place in the year 2017, by way of another Power Deed executed in favour of one Paramasivan and later, settlement was made to one Radhika, vide Document No.4970 of 2017 and 6495 of 2019 respectively. Therefore, when the initial sale deed itself is invalid, the consequential sale also cannot hold good in the eye of law. Hence, the petitioner's mother made a petition to the Inspector General of Registration and the District Collector, Thanjavur, on 31.04.2022, through registered post, followed by a petition to the respondent herein on 08.06.2022. Even after



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receipt of the same, there is no action and therefore, the petitioner made a petition on 09.07.2022. Though the respondent has received the petitioner's petition, he has not come forward to consider the same and therefore, the petitioner was constrained to approach this Court by way of filing the present Writ Petition.

5.The learned Additional Government Pleader appearing for the respondent submits that appropriate orders will be passed on petitioner's petition on merits and in accordance with law, within a time frame.

6.Considering the above said submissions, this Court, without going into the merits of the matter, directs the respondent to consider the petition of the petitioner dated 09.07.2022 and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to all the parties concerned, as expeditiously as possible.

7.This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No

30.09.2022

To  
The District Registrar,  
Thanjavur Registration District,  
Thanjavur.

<https://www.mhc.tn.gov.in/judis>



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**V.BHAVANI SUBBAROYAN, J.**

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Order made in  
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