



W.P.(MD)No.23211 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.23211 of 2022

Vasantha, W/o.Late. Veerasamy

.. Petitioner

Versus

1.The District Registrar,
Registration Department,
Dindigul, Dindigul District.

2.The Sub-Registrar,
Registration Department,
Gujiliyamparai, Dindigul District.

3.Mohan, S/o.Vellaiah Naidu

4.V.Murugesan

5.K.Vadivel

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent herein to conduct an enquiry upon the petitioner's application, dated 21.07.2022, pertaining to cancellation of the documents registered, vide Document No. 1546 of 2020, dated 17.09.2020, and Document No. 1110 of 2021, dated 09.06.2021, on the file of the second respondent, within the time stipulated by this Court.

For Petitioner : Mr.J.Lawrance

For Respondents 1 and 2 : Mr.K.S.Selvaganesan
Additional Government Pleader



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ORDER

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The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent herein to conduct an enquiry upon the petitioner's application, dated 21.07.2022, pertaining to cancellation of the documents registered, vide Document No. 1546 of 2020, dated 17.09.2020, and Document No. 1110 of 2021, dated 09.06.2021, on the file of the second respondent, within the time stipulated by this Court.

2. According to the petitioner, her father acquired the properties, comprised in S.Nos.1741/1, 1741/2, 1744 and 2267/5, situated at Palayam Village, Gujiliyamparai Taluk, Dindigul District, through family partition that took place on 06.09.1990. After the death of her father and mother, the respondents 3 and 4 in collusion and connivance with each other, have created false and fabricated documents, through which, they obtained a Legal Heirship Certificate as if they are entitled for the estate of her deceased father and thereby, using such fraudulent Legal Heirship Certificate, the respondents 3 and 4 have partitioned the property in S.No.1774/2, vide Document No.1546 of 2020, dated 17.09.2020, on the file of the second respondent. Due to the said act of the respondents 3 and 4, the petitioner has been deprived of her legitimate share in the properties belonging to her father. In such circumstances, on the basis of such fraudulent registered partition deed



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executed among the two brothers, one of her brothers namely, the fourth respondent had sold the property comprised in S.No.1744/2A, measuring an extent of 30 cents in favour of the fifth respondent herein, vide Sale Deed, bearing Document No.1110 of 2021, dated 09.06.2021, on the file of the second respondent. In the above said circumstances, the petitioner has sent a detailed representation to the first respondent herein on 21.07.2022, explaining all the above said fraudulent acts of the respondents 3 and 4 and requested him to cancel the documents registered, vide Document No.1546 of 2020, dated 17.09.2020 and Document No.1110 of 2021, dated 09.06.2021, on the file of the second respondent. However, the same has not been considered so far. Therefore, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

3. The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the petitioner's representation dated 21.07.2022, would be considered and appropriate orders would be passed on merits and in accordance with law, within a time frame.

4. Recording the aforesaid submission made by the learned Additional Government Pleader appearing for the respondents 1 and 2, this Court, without going into the merits of the matter, directs the first respondent



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to conduct an enquiry upon the petitioner's representation, dated 21.07.2022, pertaining to cancellation of the documents registered, vide Document No. 1546 of 2020, dated 17.09.2020 and Document No.1110 of 2021, dated 09.06.2021, on the file of the second respondent, and pass appropriate orders on merits and in accordance with law after affording an opportunity of hearing to all the necessary parties concerned, within a period of 16 weeks from the date of receipt of a copy of this order.

5. This Writ Petition stands disposed of with the above direction.

No costs.

Index : Yes/No
smn2

08.11.2022

To

1.The District Registrar,
Registration Department,
Dindigul, Dindigul District.

2.The Sub-Registrar,
Registration Department,
Gujiliyamparai, Dindigul District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD) No.23211 of 2022

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