



WEB COPY



W.P.(MD)No.24510 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W. P. (MD) No.24510 of 2022
and
W.M.P.(MD)No.18580 of 2022

Kalaiselvi

... Petitioner

Versus

1.The District Registrar of Registration,
Pudukottai District,
Pudukottai.

2.The Joint Sub Registrar of Registration,
Pudukottai District,
Pudukottai.

3.G.Senthil Kumar
4.A.Chinnaiah
5.C.Vetritamilan

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to consider and dispose of the petitioner appeal dated 'nil' February, 2022, to cancel the fraudulent document in Doc.Nos.326/2020 and 4984 of 2020 on the file of the second respondent herein.

For Petitioner : Mr.S.P.Sudalaiyandi

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader



ORDER

This petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, to direct the first respondent to consider and dispose of the petitioner appeal dated 'nil' February, 2022 for cancellation of the fraudulent document in Doc.Nos.326/2020 and 4984 of 2020 on the file of the second respondent herein.

2.Heard the learned counsel appearing on either side.

3.The issue in this writ petition is that the father of the petitioner purchased the properties in Old Survey No.149/4P to an extent of 303.09 sq.metre situated at Meevendhar Nagare, Pudukottai Town, Taluk and District and in Survey No.(T.S.No.)5158/1 to an extent of 2100 sq.ft situated at Gandhi Nagar, Pudukottai Town and District. The patta for both the properties were also stand in the name of the father of the petitioner. He has also built houses in both the lands and lived there. After the demise of the father of the petitioner, the petitioner along with his two brothers and two sisters were in joint possession and enjoyment of the said property. While so, the third respondent, who is the brother of the petitioner, has sold both the properties to the fourth and fifth respondents herein fraudulently by a registered sale deeds dated 24.01.2020 and 09.11.2020 without the knowledge of the petitioner and



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4.The learned counsel appearing for the petitioner submitted that the properties in question were purchased by the father of the petitioner and after his demise, the petitioner and his sisters and brothers were in joint possession of the same. To the shock and surprise of the petitioner, the third respondent has sold the entire properties to the fourth and fifth respondents herein without the knowledge of the petitioner and his brother and sisters. The property is a joint family property and the third respondent has not right to sell the entire property. The petitioner and his brothers and sisters are equally entitled to a share in that properties and there is no partition till date either orally or in written. Hence, the petitioner made an application to the first respondent seeking cancellation of the documents executed by the third respondent in favour of the fourth and fifth respondents. He was called for enquiry by the first respondent on 29.03.2022. He also appeared for that enquiry and submitted all the relevant documents. But no action has been taken by the first respondent. Hence, the petitioner is before this Court.

5.The learned counsel appearing for the petitioner would submit that it would suffice to issue a direction to the respondent to consider the petitioner's application, dated Nil. February, 2022.



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6.The learned Additional Government Pleader appearing for the respondent has no objection for such an order being passed by this Court.

7.Considering the above said submissions, this Court, without expressing any opinion on the merits of the matter, directs the official respondent to conduct enquiry on the petitioner's application dated Nil. February, 2022 and conclude the same within a period of eight weeks from the date of receipt of a copy of this order.

8.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.10.2022

Index : Yes/No
Internet : Yes/No
Rmk

To
1.The District Registrar of Registration,
Pudukottai District,
Pudukottai.

2.The Joint Sub Registrar of Registration,
Pudukottai District,
Pudukottai.



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V.BHAVANI SUBBAROYAN, J.

Rmk

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