

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9836 of 2016

1.P.R.Kumaresan

2.V.P.Akila

3.A.R.Mehala

... Petitioners

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam, Chennai.

2.The District Registration Office,
(Document Registration Madurai South),
Madurai.

3.The Sub Registration(1),
(Document Registration Madurai South),
Madurai.

4.Gunavathi

5.Saminathan

6.Banumathi

7.Susila

8.S.Subiramanian

9.Nirmala

10.S.Seenivasan

11.Chitra

12.Santhi

13.Devika

14.R.Gunasekaran

15.M.Krishnan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings in O.Mu.No. 722/Aa2/2016 dated 29.01.2016 passed by the second respondent and quash the same and consequently direct first respondent to appoint any other equivalent officer in the capacity of second respondent for adjudicating the genuineness document dated 12.08.2015.

For Petitioners	: M/s.V.Muthukamatchi for Mr.K.Neelamegam
For R1 - R3	: Mr.J.K.Jeyaseelan Government Advocate
For R4-R7,R9-R14	: Mr.S.Balakarthish
For R8 & R15	: No Appearance

ORDER

The present writ petition has been filed seeking to quash the order passed by the second respondent herein, under which the request of the

petitioners for conducting an enquiry relating to the fraudulent registration of a sale deed, dated 12.08.2015 said to have been executed by respondents 4 to 13 in favour of respondents 14 and 15 has been rejected on the ground that there is a title dispute.

2. According to the petitioners, the property originally belonged to their grand-father, namely, Chinna Kuppusamy, who had two wives, by name, Seethai Ammal and Kaveri Ammal. According to the writ petitioners, they are the grand-children of the said Seethai Ammal. The respondents 4 to 13 are claiming under Kaveri Ammal. The learned counsel for the petitioners contends that there was a registered partition deed among the family members on 27.01.1920, in which the properties in dispute were allotted to the share his father, namely, Rengasamy, who is the son of Seethai Ammal. The said properties have been dealt with by the respondents 4 to 13 herein under the disputed sale deed, dated 12.08.2015 without any title whatsoever, in a fraudulent manner.

3. According to the learned counsel for the petitioners, when there is a registered document in favour of the writ petitioners' family, without any title, the respondents 4 to 13 have dealt with the property in a

fraudulent manner. Hence, they prayed for quashing the said order passed by the second respondent herein and to direct the said respondent to conduct an enquiry to the said effect.

4. The Circular No.67, dated 03.11.2011 which enabled the second respondent herein to conduct an enquiry and cancel the said document has already been withdrawn by the authorities concerned. However, a new circular has been issued on 31.07.2018 by the first respondent herein relating to the manner, in which the fraudulent document should be dealt with.

5. It is the specific case of the writ petitioners that properties allotted to their family have been dealt with by the respondents 4 to 13, without any title or right in a fraudulent manner. This issue cannot be considered to be a title dispute by the second respondent herein. Hence, the impugned order is set aside. The second respondent is directed to conduct an enquiry after giving due opportunity to the writ petitioner and respondents 4 to 15 and pass an order in the light of the circular, dated 31.07.2018 within a period of four (4) months from the date of receipt of a copy of this order.

6. With the above said observations, this Writ Petition stands allowed. No costs.

04.08.2022

Index : Yes / No
Internet : Yes / No
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To

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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.9836 of 2016

Dated:
04.08.2022