



W.P.(MD)No.25210 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.25210 of 2022
and
W.M.P.(MD)No.19299 of 2022

Raja, S/o.Madasamy @ Vellaisamy Nadar

.. Petitioner

Versus

1.The District Registrar,
Department of District Registrar Office,
Tenkasi,
Tenkasi District.

2.The Sub-Registrar,
Department of Registration,
Surandai,
Tenkasi District.

3.Sermanathan, S/o.Annamalai Nadar

4.Sathya, W/o.Sermanathan

5.Perumathaal, W/o.Annamalai Nadar

6.Seenivasan, S/o.Annamalai Nadar

7.Jayanthi, W/o.Seenivasan

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to cancel the illegal, fake and impersonated deed of documents as from the third



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respondent to seventh respondent, vide Document Nos.5446 of 2020, 1824 of 2020, 1782 of 2020 and 3820 of 2019, on the file of the Sub-Registrar, Surandai Registration Office, Tenkasi District, in respect of the property bearing S.No.108/2, measuring 3 Acre and 20 Cents, situated at Kulayaneri Village, Kadayanallur Taluk, Tenkasi District forthwith in pursuance of the petitioner's representation to the first respondent, dated 18.11.2021 and subsequent reminder dated 23.09.2022.

For Petitioner : Mr.S.Palani Velayutham
For Respondents 1 and 2: Ms.S.Jayapriya
Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent to cancel the illegal, fake and impersonated deed of documents of the respondents 3 to 7, vide Document Nos.5446 of 2020, 1824 of 2020, 1782 of 2020 and 3820 of 2019, on the file of the Sub-Registrar, Surandai Registration Office, Tenkasi District, in respect of the property bearing S.No.108/2, measuring an extent of 3 Acre and 20 Cents, situated at Kulayaneri Village, Kadayanallur Taluk, Tenkasi District, forthwith in pursuance of the petitioner's representation to the first respondent, dated 18.11.2021 and subsequent reminder dated 23.09.2022.

2.Heard Mr.S.Palani Velayutham, learned counsel appearing for the petitioner and Ms.S.Jayapriya, learned Government Advocate, who takes notice for the respondents 1 and 2. By consent of the learned counsel



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appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 3 to 7 is dispensed with.

4. According to the petitioner, the Punja land, bearing S.No.108/2, measuring an extent of 3 Acres and 20 Cents, situated at Kulayaneri Village, Kadayanallur Village, Tenkasi District, belonged to his ancestors. The petitioner and his brother are in possession and enjoyment over the said land and they decided to partition the said land between themselves.

5. Further, according to the petitioner, the third respondent/Sermanathan had intentionally created a fraudulent settlement deed in favour of his wife, namely, Sathya, the fourth respondent herein in respect of the petitioner's ancestral property. They have no right over the said property and they are miscreants. Thereafter, the fifth respondent executed a sale deed in favour of the sixth respondent without any right or title over the said property. The sixth respondent, who is hand in glove with the fifth respondent, created fabricated document in his favour, as he has possessed valid title over the property. A deep conspiracy has been hatched by



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respondent on 23.09.2022. 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.

6. The learned Government Advocate appearing for the respondents 1 and 2 submitted that the petitioner's representation, dated 23.09.2022, would be considered and appropriate orders would be passed as per Section 77-A of the Registration (Amended Act No.41 of 2022) Act, 1908, within a time frame.

7. Recording the aforesaid submission made by the learned Government Advocate appearing for the respondents 1 and 2, this Court directs the first respondent to consider the petitioner's representation, dated 23.09.2022 and pass appropriate orders as per Section 77-A of the Registration (Amended Act No.41 of 2022) Act, 1908, after providing 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.

8. This Writ Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

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Tenkasi,
Tenkasi District.

2.The Sub-Registrar,
Department of Registration,
Surandai,
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V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
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