



W.P.(MD)No.25240 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.25240 of 2022
and
W.M.P(MD)No.19330 of 2022

A.Kandhasamy

... Petitioner

Vs

1. Inspector General of Registration,
O/o. Inspector General of Registration,
No.100, Santhome High Road,
Mandavelipakkam,
Raja Annamalaipuram,
Chennai-600 028.
2. The Deputy Inspector General of Registration,
O/o. The Deputy Inspector General of Registration,
Rajakampeeram, Y.Othakadai,
Madurai District.
3. The District Registrar (ADMIN),
O/o. The District Registrar,
District Collectorate Campus,
Dindigul-624 004.
4. The Sub-Registrar,
Natham,
Dindigul District.
5. Mrs. Easwari



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6.Mrs.Vasantha

7.Mrs.Panchavarnam

8.Mrs.Rajalakshmi

9.Kalimuthu

...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 pertaining to the Impugned Notice in Na.Ka.No.3607/AA3/2021 dated 10.10.2022 on the file of the Respondent No.3 and quash the same as illegal.

For Petitioner	: Mr.T.Lajapathi Roy
For R1 to R4	: Mr.S.R.A.Ramachandran
	Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Notice in Na.Ka.No.3607/AA3/2021 dated 10.10.2022 on the file of the Respondent No.3 and quash the same as illegal.

2. By consent, this writ petition is disposed of at the admission itself.

3.Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner and Mr.S.R.A.Ramachandran, learned Additional Government Pleader appearing for the respondents 1 to 4.



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4. The learned counsel appearing for the petitioner would submit that the subject property is Punja lands in Survey No.251/8 of Velampatti Village, Natham Taluk and Dindigul District to an extent of 48 cents. The petitioner is entitled to the same and he claim ownership to the same on the basis of the Registered sale deed, dated 04.04.2012 in Doc.No.1028 on the file of Sub-Registrar, Natham, wherein, the late father of the respondents 5 to 8 and the own brother of the 9th respondent complainant namely, Late.Karupaiah and executed sale of his share and right over the subject property.

5. Originally, the Survey No.251/8 of Velampatti Village is having an extent of 2.72 acres is the self-acquired property of the father of the 9th respondent complainant and Grand father of the Respondents No.5-8 namely Sandhanam Pillai, vide sale deed dated 22.12.1982. The said Sandhanam Pillai has settled the subject property by way of a family arrangement within the family and wherein, the subject property to an extent of 48 cents in Survey No. 251/8 of Velampatti Village, Natham Taluk and Dindigul was allotted in favour of his vendor namely, Late.Mr.Karupaiah late father of the respondents 5 – 8 and the own brother of the 9th respondent complainant. Only on the strength of the same, he was executed with sale deed, dated 04.04.2012 and immediately



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thereafter, he has mutated the revenue records such as patta and others and he has paid all the necessary taxes and bill and he is in absolute possession and enjoyment. The 9th respondent executed a settlement deed, dated 09.09.2019 wherein he had survey No.251/8 of Velampatti Village to an extent of 2.24 acres alone by leaving the 48 cents in Survey No.251/8 of Velampatti Village, which is entitled to him by way of the sale deed dated 04.04.2012 which makes it crystal clear that he is the absolute owner of the subject property and even in the Settlement deed dated 09.09.2019, the joint patta in Patta No.1807 with respect to the subject property Survey No.251/8 of Velampatti Village, is marked before the Sub-Registrar Natham. So the 9th respondent cannot contradictory state in his complaint that only on 15.03.2021 he came aware of his sale deed dated 04.04.2012 and question the same.

6. He would further submit that the 9th respondent had filed a complaint before the third respondent and without even conducting a preliminary enquiry on the veracity of the complaint, the third respondent had superseded his jurisdiction and passed the present Impugned Notice in Na.Ka.No. 3607/AA3/2021, dated 10.10.2022. Hence, the petitioner has filed the present writ petition.



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7. It seen from the records that the third respondent has issued only enquiry notice, dated 10.10.2022 directed the petitioner to appear before the third respondent on 08.11.2022 at 12.15 p.m., along with written submission and original documents, if any, for considering the said complaint and for passing appropriate orders, failing which, final decision will be taken. But the petitioner without complying the order of the third respondent, dated 10.10.2022 has approached this Court by filing writ petition on 04.11.2022. Hence, the present writ petition is premature one and the impugned order is only an enquiry notice and has not given any opinion regarding the title and the title cannot be decided by the Registrar. The petitioner has to appear for an enquiry first and after the enquiry, the third respondent finds any fraud or forgery, if any, then he can observe the same and make certain endorsement in the order. But, here is the case, the petitioner did not appear for an enquiry on 08.11.2022 and cannot put fullstop for the enquiry.

8. Though the petitioner has come forward with a larger prayer, at the time of hearing, the learned counsel for the petitioner would submit that if a direction is given to the respondents to consider the case of the petitioner, the petitioner would be satisfied.



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WEB COPY 9. In view of the limited prayer that has now been sought for, this writ petition is disposed of with a direction to the third respondent to consider the case of the petitioner and pass fresh detail order after giving an opportunity to the petitioner herein and other parties in the enquiry to be conducted, if any, within a period of twelve (12) weeks from the date of receipt of a copy of this order and the petitioner is directed to produce all the documents including the Will also.

10. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
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To

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V.BHAVANI SUBBAROYAN, J.

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