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W.P.No.6106 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.6106 of 2023

Devendran

... Petitioner

Vs

1.The District Registrar,
Office of the District Registrar,
Velipalayam, Nagapattinam District.

2.The Sub Registrar,
Thakkatur Sub Registrar Office,
Nagapattinam District.

3.Rajendran

4.Thamaraiselvan

5.Ganesan

6.Thilagam

7.Malar

8.Karunanithi

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to conduct an enquiry based on the petitioner's representation dated 24.12.2022 and thereby cancel the release deed vide Doc.No.499/2022 dated 05.05.2022 on the file of the 2nd respondent and to launch appropriate criminal action against the respondents 3 to 8.



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For Petitioner : Mr.M.Vijaya Ragavan

For Respondent : Mr.R.P.Muruganraja
Government Advocate for R1 & R2

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 1st respondent to conduct an enquiry based on the petitioner's representation dated 24.12.2022 and thereby cancel the release deed vide Doc.No.499/2022 dated 05.05.2022 on the file of the 2nd respondent and to launch appropriate criminal action against the respondents 3 to 8.

2. The petitioner had given a complaint on 24.12.2022 to the 1st respondent District Registrar to declare the Document No.499 of 2022 dated 05.05.2022 on the file of the 2nd respondent as fraudulent document and consequential direction to the 2nd respondent to cancel the same. It is the contention of the petitioner that, 1/5th of the property of the family estate of the petitioner already been bequeathed by the petitioner's mother which has been registered as Document No.4 of 2012 at the 2nd respondent Office and the petitioner also is entitled to get 1/5th share of the family estate thereby 2 out of 5 properties the petitioner claims entitlement. When that being so, the other family members seems to have registered a partition deed excluding



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the petitioner and that is the document in question before the 1st respondent

District Registrar in the complaint of the petitioner dated 24.12.2022.

3. The said complaint since has been given to be enquired upon under Section 77-A of the Registration Act, this Court feels that a direction can be given to the 1st respondent District Registrar to enquire the matter by giving notice for opportunity of being heard to both petitioner as well as the private respondents and decide the same on merits within a time frame. This position is not controverted by the learned Government Advocate appearing for respondents 1 and 2 also.

4. In view of the above, this Court is inclined to dispose of this writ petition with the following orders:

There shall be a direction to the 1st respondent District Registrar to consider the complaint cum representation of the petitioner dated 24.12.2022 and enquire the matter by giving an opportunity of being heard to both petitioner as well as the private respondents and decide the same on merits and in accordance with law, of course within the meaning of Section



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77-A of the Registration Act, within a period of twelve weeks

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from the date of receipt of a copy of this order.

5. With this direction, this Writ Petition is disposed of. No costs.

01.03.2023

Index : Yes / No

Speaking Order : Yes / No

Sgl

To

1.The District Registrar,
Office of the District Registrar,
Velipalayam, Nagapattinam District.

2.The Sub Registrar,
Thakkatur Sub Registrar Office,
Nagapattinam District.



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R.SURESH KUMAR, J.

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