



WEB COPY



W.P.No.12838 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.12838 of 2023

1. Puducherry Velrampet,
Engineers Colony Residents Welfare Association,
Rep. by its Secretary, G.Manavalan,
S/o.Govindasamy,
No.14, Engineers Colony,
Velrampet, Mudaliarpot Post,
Puducherry – 605 004.

...Petitioner

-Vs-

1. The District Collector,
Office of the District Collector,
Puducherry.

2. The District Registrar,
Office of the District Registrar,
Puducherry.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents 1 and 2 to conduct enquiry over the fraudulent Trust registered in the name of “*Sri Arulmighu Ishta Siddhi Vinayagar Alayam-Trust Deed*” vide Doc. No. 1203/201/ registered with the 2nd respondent on 13.08.2018, and pass appropriate order, by considering the petitioner representation dated 12.01.2023.



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For Petitioner : Mr.E.Thiyagu

For Respondents : Mr.Ramaswamy Meyyappan, GA(P)

ORDER

The grievance of the writ petitioner is that a fraudulent sale deed had been registered in the name of "*Sri Arulmighu Ishta Siddhi Vinayagar Aalayam – Trust Deed*" vide document dated 13.08.2018. The petitioner submitted a representation on 12.01.2023 to cancel the said trust deed registered in the year 2018.

2.No doubt, the District registrar is competent to conduct an inquiry under Section 68(2) of the Registration Act. The petitioner has to submit an application in a proper format by enclosing necessary documents and evidence to establish that the document registered is fraudulent. Mere representation would be insufficient and the relevant documents are to be submitted necessarily before the second respondent for conducting inquiry.

3.Thus, the petitioner is at liberty to submit an application along with all the required documents to establish their case before the first



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respondent. On receipt of any such appeal from the writ petitioner, the second respondent shall conduct an inquiry by affording opportunity to all the parties and by following the procedures contemplated under the statute and thereafter, pass final orders on merits and in accordance with the law as expeditiously as possible.

4. Accordingly, the writ petition stands **disposed of**. No costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

25.04.2023

To

1. The District Collector,
Office of the District Collector,
Puducherry.
2. The District Registrar,
Office of the District Registrar,
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S.M.SUBRAMANIAM. J.,

(sha)

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