



W.P.No.25998 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.25998 of 2023
and
W.M.P.No.25423 of 2023

Nandhini

... Petitioner

versus

1. Inspector General of Registration,
100, Santhome High Road,
Mandavelipakkam,
Chennai – 600 028.
2. The District Registrar (Admin),
Integrated Building of Registration Department,
Veppamaram Street,
Velpadi,
Vellore District – 632 001.
3. The Sub Registrar,
No.46, Vellore Road,
Dharapadavedu Village,
Katpadi, Vellore – 632 007.

4. N. Shankar

..... Respondents



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Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the order of the first respondent in No.43194/U1/U2/2023 dated 25.07.2023 confirming the order of the second respondent in No.5165/E3/2022 dated 12.10.2022 and quash the same.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
for R1 to R3

R4 refused to receive notice

ORDER

This Writ Petition has been filed to quash the order of the first respondent vide No.43194/U1/U2/2023, dated 25.07.2023, confirming the order of the second respondent vide No.5165/E3/2022 dated 12.10.2022.

2. According to the petitioner, his maternal grandfather one A.Govindaraj had purchased a plot bearing No.B 996, Katpadi Co-operative Township Ltd., comprised in S.No.247/2(11-18) and 248(1-70) at Kalinjur



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Village, Katpadi Township, Vellore District measuring an extent of 10 cents from the Katpadi Co-operative Township Ltd. by virtue of registered sale deed vide Doc.No.1416/1972 on the file of the Sub Registrar, Katpadi. Since then, he was in possession and enjoyment of the said property. On 13.02.1976, the said A.Govindaraj died leaving behind his wife- Amaravathi, three sons viz., Jagadeesan, Deenadayalan and Umabathi and one daughter-Prabhavathi. The said Amaravathi died on 09.07.1999. The said Umabathi died as a bachelor and other two sons migrated north India for their work. As the petitioner's mother is the only available surviving legal heir of the said A.Govindaraj, she executed a gift settlement deed in respect of the subject property in favour of the petitioner vide Doc.No.5032/2022 dated 20.05.2022 on the file of the SRO, Katpadi.

3. It is further case of the petitioner that the original sale deed in Doc.No.1416/1972 was destroyed in view termites and the petitioner has also applied for certified copy of the sale deed. At the time of presenting the document, the petitioner produced Encumbrance Certificate of the property. After registration of the said settlement deed, the fourth respondent had



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preferred a complaint before respondents 2 and 3 seeking to cancel the gift settlement deed in Doc.No.5032/2022 stating that his mother Kousalya had purchased the subject property from A.Govindaraj, and after her demise he succeeded the property. The second respondent without serving notice, passed the order dated 12.10.2022 under Section 77-A of the Registration Act, 1908. As per the direction of the second respondent, the third respondent cancelled the settlement deed dated 20.05.2022. Aggrieved by the same, the petitioner preferred an appeal before the first respondent and the same was dismissed on 25.07.2023 confirming the order of the second respondent dated 12.10.2022 and the same is under challenging in this Writ petition.

4. The learned counsel for the petitioner submitted that the fourth respondent forged the documents and made an application before the second respondent and obtained the order against the petitioner. As the petitioner was not served with any notice, the second respondent passed the order. While so, the petitioner preferred the appeal before the first respondent and also submitted all the relevant documents. Despite the petitioner produced



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all the relevant documents, the first respondent, who is the competent authority has not considered the claim of the petitioner and passed the impugned order.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for respondents 1 to 3 and perused the materials available on record.

6. Despite service of notice on the fourth respondent, the same returned with an endorsement "refused".

7. It is seen from the impugned order that no discussion was made regarding the submission of the relevant documents by the petitioner. However, in order to give an opportunity, the impugned order dated 25.07.2023 passed by the first respondent, is set aside and the matter is remitted back to the first respondent for fresh consideration. The petitioner is at liberty to produce all the relevant documents before the first respondent, and on receipt of the same, the first respondent is directed to



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issue notice to all the interested parties, including the fourth respondent and conduct an enquiry and pass appropriate orders, on merits and in accordance with law.

8. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.11.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

- 1.The Inspector General of Registration,
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- 2.The District Registrar (Admin),
Integrated Building of Registration Department,
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