



W.P.No.30173 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.30173 of 2023

B.Neela

... Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Mylapore,
Chennai – 600 004.
2. The District Registrar, (Administration),
Chennai (North),
District Registrar Office,
1st Floor, Ex Lane, Chennai – 600 104.
3. The Sub Registrar of Ambattur,
5, Vanagaram Road,
Ayanambakkam,
Kamarajapuram,
Vanagaram,
Chennai 600 095.
4. N.Shanthi
5. K.Saraswathi
6. A.Veeramani

... Respondents



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PRAYER:

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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to consider the representation of the petitioner dated 07.09.2023 and to cancel the registration of the Release Deed dated 17.06.2023, registered as Document No.10166 of 2023 in the office of the Sub Registrar, Ambattur, the third respondent, and the subsequent sale deed executed by the fifth respondent in favour of the sixth respondent vide sale deed dated 21.08.2023 registered as Document No.11692 of 2023 in the office of the third respondent Sub Registrar Office under the provisions of the Registration Act forth with; to file FIR against the 4th and 5th respondents by the 2nd respondent and issue consequential direction to the first respondent to delete the entries that reflects the aforesaid document from the Encumbrance Certificate maintained by the first respondent herein and pass further orders.

For Petitioner : M/s.S.Hemalatha

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



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ORDER

This Writ Petition has been filed to issue a Writ of Mandamus to direct the second respondent, to consider the petitioner's representation dated 07.09.2023.

2. The case of the writ petitioner is that one K.Balaraman, who is the husband of the writ petitioner, purchased the subject property and constructed a building in the vacant land and is in possession and enjoyment of the said property. The petitioner's husband passed away on 29.03.1993 leaving behind him, the petitioner and six daughters as his legal heirs. The first daughter is a mentally retarded and unmarried person. The fourth and fifth respondents, who are daughters of the petitioner, have requested the petitioner to allow them to stay in the abovesaid building, in which, all the daughters have equal share. Since the other daughters are well settled, the petitioner allowed the fourth and fifth respondents to stay in the said house. In the year 2002, the fourth respondent obtained signatures of the petitioner as well as the other daughters in a stamp paper and misused the same and converted it into a



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release deed. Based on the unregistered release deed, the fourth respondent had made all mutations in the revenue records and obtained electricity service connection in her name and also obtained patta. The subject property was in possession and enjoyment of the petitioner's husband till he was alive and after the death of the petitioner's husband, the petitioner and their six daughters, including the fourth and fifth respondents, are in possession and enjoyment of the subject property. The fourth and fifth respondents adopted hostile attitude against the petitioner and other daughters created a release deed dated 17.06.2023 and registered the same before the Sub Registrar, Ambattur, who is the third respondent herein. The release deed dated 17.06.2023 was executed by fourth respondent in favour of the fifth respondent is not valid in the eye of law. The said property was not even divided as per the Hindu Succession Act. It is false to state that the building was constructed by the fourth and fifth respondents. It is false to state that the fourth and fifth respondents alone are the legal heirs of petitioner's husband. The petitioner made representation dated 07.09.2023 to the second respondent to cancel the registration of the Release Deed dated



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17.06.2023 and to take action pursuant to the powers conferred under Section 77(A) of Registration Act. So far no action has been taken by the second respondent. Hence the petitioner filed the present writ petition.

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

4. The petitioner admitted that the respondents 4 and 5 are the legal heirs of the husband of the petitioner and they have also equal rights in the subject property. At this juncture, whether the document has been forged or not, has to be decided based on the factual aspects and through oral and documentary evidence and it requires further probe, evidence and a detailed trial.

5. Under the facts and circumstances of the case, the issue between the parties cannot be decided in the writ petition. Hence Writ petition is



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dismissed. No costs. However, the petitioner is at liberty to work out her remedy in the manner known to law.

19.10.2023

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To
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P.VELMURUGAN, J.

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