



W.P.(MD)No.1324 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.1324 of 2022

Ayathulla Komani

... Petitioner

vs.

1.The District Registrar (Admn)
Registration Department,
Cheranmahadevi, Tenkasi District.

2.The Sub Registrar,
Kadayam Sub Registrar Office,
Kadayam, Tenkasi District.

3.Wasimkasimraja

4.Sabina Begum

5.Mohammed Toufeeq

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to dispose of the proceedings initiated under Section 68(2) of Tamil Nadu Registration Act, 1908, vide Na.Ka.No.3421/A2/2021, dated 01.09.2021 within the period of that may be stipulated by this Court.



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For Petitioner :Mr.J.Karthikeyan
For R1 and R2 :Mr.M.Prakash
Additional Government Pleader
For R3 to R5 :No Appearance

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction against the first respondent/District Registrar (Administration), Registration Department, Cheranmahadevi at Tenkasi District, to dispose of the proceedings initiated under Section 68(2) of Tamil Nadu Registration Act, 1908, vide Na.Ka.No.3421/A2/2021, dated 01.09.2021.

2.Heard Mr.J.Karthikeyan, learned Counsel for the petitioner and Mr.M.Prakash, learned Additional Government Pleader for the first and second respondents.

3.In the affidavit filed in support of this Writ Petition, it had been stated that the property in S.No.7B/4 at South Kadayam village was allotted to the father of the petitioner, Vava Kasim, by a registered



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partition deed, dated 10.04.1982, which had taken place between the father of the petitioner and his brother, Shajahan. The total extent of the land is 19,917.375 sq.ft. The father of the petitioner died on 24.04.2009. The father of the petitioner had executed a power of attorney in favour of one Shekammal on 20.02.2006. A sale deed had been executed in favour of the third respondent by the power of attorney to land measuring 600.625 sq.ft., which was registered as Doc.No.3263/2008.

4.The petitioner claims that after the death of the father, he had inherited the share of the father. The third respondent is the husband of the fourth respondent and the fifth respondent is their son. It is stated that a settlement had been created by them, as if the third respondent had executed a settlement deed in favour of the fourth respondent. The schedule had been given as 1986.72 sq.ft., instead of 600.625 sq.ft. It is claimed that a larger area had been stated, though they are not so entitled to. It is in these circumstances, the petitioner herein had given a complaint seeking examination of the said document under Section 68(2) of Tamil Nadu Registration Act, 1908 and to cancel the said document.



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5.The enquiry is pending from 01.09.2021. A direction is given to the first respondent to issue notice to the petitioner and also to the respondents 3 to 5 and after following the due procedure, examine the complaint given by the petitioner and pass necessary orders with reasons on or before 31.05.2022. During the proceedings, principles of natural justice should be adhered to and while passing the order, sufficient reasons should be given.

6.The Writ Petition is disposed of accordingly. No costs.

Index :Yes / No
Internet :Yes
NCC : Yes/No

14.03.2023

cmr

To

1.The District Registrar (Admn)
Registration Department,
Cheranmahadevi, Tenkasi District.

2.The Sub Registrar,
Kadayam Sub Registrar Office,
Kadayam, Tenkasi District.

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C.V.KARTHIKEYAN, J.

cmr

Order made in
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