



W.P.(MD) No.3601 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.3601 of 2020

Sivan

... Petitioner

/vs./

1.The District Registrar,
Registration Department,
Collectorate, Kokkirakulam,
Tirunelveli District.

2.The Sub Registrar,
O/o. S.R.O.Burkitmanagaram,
Sankar Nagar Colony,
Palayamkottai,
Tirunelveli District.

3.Backiam

4.Mayandi @ Sudalaimani

5.Santhanamari @ Selvi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to hold enquiry on



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the basis of the circular of I.G. Registration, Chennai bearing No.41530/U1/2017 dated 31.07.2018 as well as the petitioner's representation dated 10.12.2019 in respect of the fraudulent registration of partition deed bearing No.161/2012 dated 02.02.2012 by the respondents 3 to 5 in respect of the petitioner house property under Plot Nos.91, 92 in Survey No.139/2 situated at Palayanchettikulam Village in Tirunelveli District.

For Petitioner : Mr.S.Siva Ilayaraja

For R1 & R2 : Mr.C.Satheesh
Government Advocate

For R3 to R5 : Mr.Arulmanickam

ORDER

The petitioner has come to the Court seeking for the issue of a Writ of Mandamus directing the first respondent to hold an enquiry on the basis of the circular of I.G. Registration, Chennai bearing No.41530/U1/2017 dated 31.07.2018 as well as the petitioner's representation dated 10.12.2019 in respect of the fraudulent registration of partition deed bearing No.161/2012 dated 02.02.2012 by the respondents 3 to 5 in respect of the petitioner house property under Plot Nos.91, 92 in Survey No.139/2 situated at Palayanchettikulam Village in Tirunelveli District.



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2.It is the case of the petitioner that the property, in respect of which the fraudulent document has been created, was purchased by him in the year 2009 from one Sundar. His name has also been included in the joint patta No.107 at serial No.29 and he has been in possession and enjoyment of the same.

3.While so, the respondents 4 to 6, who had no legal right or title to the said property, have fraudulently created a partition deed amongst themselves in the year 2012 and had registered it with the second respondent. The petitioner's property has been included with other properties and the property, subject matter of this writ petition, has been shown as the I schedule, in which the respondents 3 to 5 were allotted shares.

4.On the basis of this deed, the respondents 3 to 5 have applied for patta and have also succeeded in getting their names included in the joint patta. The entire act of the respondents 3 to 5 smacks of fraud, since the property even before the creation of the partition deed had been plotted out into house colonies called Caldwell A colony and B colony and the second respondent is aware of the same, as the resolution of the Panchayat giving No Objections for the formation



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of the housing plot had been forwarded to the second respondent. In fact, the second respondent had registered over 200 deeds in respect of the housing plots in these colonies. Despite the above, the second respondent, without even perusing the parent documents, has registered this fraudulent document. Therefore, the petitioner has come forward with the instant writ petition.

5.The respondents have not filed any counter. However, taking into consideration the fact that serious allegation of fraud has been attributed to the registration of these documents, the Writ Petition is disposed of with a direction to the first respondent to conduct an enquiry and pass appropriate orders with reference to the registration of the partition deed dated 02.02.2012 as Doc.No. 161/2012 on the file of the second respondent within a period of one month from the date of receipt of a copy of this order. However, there shall be no order as to costs.

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

30.03.2023

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P.T.ASHA, J.

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