



W.P.(MD) No.3558 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.3558 of 2020
and
W.M.P.(MD) No.3007 of 2020**

P.Rajee

... Petitioner

/vs./

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.
- 2.The Deputy Inspector General of Registration,
Registration Office,
Othakadai, Madurai.
- 3.The District Registrar (Administration),
Madurai District.
- 4.The District Registrar (Administration),
Periyakulam,
Theni District.
- 5.The Sub Registrar,
O/o. the Sub Registrar's Office,
Alanganallur, Madurai District.



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6.Jothikumar

7.J.Udayakumar

8.Eeeniammal

9.P.Kumar

10.S.Manikandan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 3rd and 4th respondents to conduct a detail enquiry, relating with the execution and registration of a fraudulent gift deed dated 10.01.2020 registered as Document No.129/2020 on the file of the 6th respondent and to initiate criminal action against the respondents 6 to 10 by disposing the petitioner's representation dated 04.02.2020.

For Petitioner	: Mr.R.Suriyanarayanan
For R1 to R5	: Mr.T.Amjadkhan
	Government Advocate
For R7 to R10	: Mr.H.Arumugam

ORDER

The above writ petition is filed seeking the issue of a Writ of Mandamus directing the respondents 3 and 4 to conduct a detail enquiry relating to the execution and registration of the gift deed dated 10.01.2020, which the petitioner



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would contend is a fraudulent one and which was registered by the sixth respondent as Doc.No.129/2020 and also for initiating criminal action against the respondents 6 to 10.

2.The brief facts, which have prompted the petitioner to approach this Court, are herein below set out.

3.The petitioner would submit that the plots bearing Nos.19 and 20, measuring an extent of 3800 sq.ft., at Mahathma Nagar, Mariamman Kovil Patti, Veerapandi, Theni District, the punja land in S.No.151/B/2A, measuring an extent of 40 cents out of 1 acre and 20 cents at Karuvelnayakkanpatti Village, Theni, plot No.1, measuring an extent of 7830 sq.ft., at Balaji Avenue, Theni, Allinagaram and the plot No.4, measuring an extent of 1491 sq.ft., at Balaji Nagar, Tirupparankundram, Madurai belonged to her husband, J.Poongundran, who had purchased these properties under 4 sale deeds dated 19.11.2008, 29.04.1998, 06.04.2009 and 08.10.1996 respectively. He had died intestate on 22.06.2010. Therefore, the petitioner and her minor son, Naveen Raja, inherited the said property.



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4.It is the case of the petitioner that after the demise of her husband, she has been in the care and custody of her father-in-law and mother-in-law, Jeyaraman and Packiam, who had passed away on 14.08.2017 and 17.06.2019 respectively. The seventh respondent herein, who is the petitioner's younger brother-in-law, has refused to give a 1/4th share in the property of the petitioner's father-in-law and mother-in-law. He has created a fraudulent Will with an intent to usurp the property. Therefore, the petitioner and her son had filed a suit O.S.No.72 of 2019 on the file of the Principal District Court, Theni, where the same is still pending.

5.The 8th respondent, who is the wife of the seventh respondent and who is working in the Office of the Superintendent of Police, Theni, had decided to grab the property of the petitioner. On coming to know about the same, the petitioner had given a protest petition before the Sub Registrar Office, Tirupparankundram, as one of the properties is situate in the said jurisdiction. Coming to learn about this, the seventh respondent has purchased a house plot in Alanganallur area, which comes within the jurisdiction of the sixth respondent on 09.01.2020 and thereafter executed a gift settlement in favour of his wife, the 8th respondent with



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reference to all the properties. The sixth respondent has actively assisted the respondents 7 and 8 into putting this plan and action.

6.The petitioner on coming to know about the same has taken certified copies of the documents and had made a detailed representation on 04.02.2020 to the first respondent to take appropriate action. However, no steps have been taken to date. Therefore, the petitioner has come forward with the above writ petition.

7.Mr.H.Arumugam, learned counsel for the respondents 7 to 10 would submit that already the suit O.S.No.72 of 2019 is pending consideration before the Principal District Court, Theni, wherein the petitioner has sought to cancel the settlement deeds and to declare the Will dated 20.05.2011 as null and void and therefore, the present writ petition is nothing but conducting a parallel proceedings.

8.Heard the learned counsels on either side and perused the records.



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9.The petitioner's case is that the properties have been purchased by her husband from out of his earnings and the properties stand in the name of her late husband. A perusal of the gift settlement, which is stated to be a fraudulent one, would show that the seventh respondent, who has executed the said document on 10.01.2020, has clearly stated that the property had been purchased in the name of the petitioner's husband from out of the income of the father and that the said J.Poongundran had executed two Wills dated 10.03.2008 and 12.01.2010 in favour of the seventh respondent and therefore, he has become the owner of the said property.

10.The petitioner would allege that the Will in question is a fraudulent one and consequently, the settlement deed is a fraudulent document. The petitioner only prays that the official respondent shall exercise their powers under Section 77-A of the Registration Act, 1908, to hold an enquiry.

11.Considering the fact that serious allegations of fraud has been alleged and taking into account the powers vested with the District Registrar under Section 77-A of the Registration Act, 1908, the Writ Petition is allowed with a



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direction to the respondent concerned to conduct an enquiry after giving due notice to all the parties concerned and pass appropriate orders within a period of two months from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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

05.04.2023

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