



W.P.(MD)No.6266 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.10.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.6266 of 2021

R.Umeswaran

... Petitioner

vs.

1.The District Registrar,  
Combined District Registrar Office, Dindigul District.

2.The Sub Registrar,  
Chinnalapatti Sub Registrar Office,  
Chinnalapatti, Dindigul.

3.The Superintendent of Police,  
Dindigul, Dindigul District.

4.The Sub Inspector of Police,  
Chinnalapatti Police Station, Dindigul.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1<sup>st</sup> and 3<sup>rd</sup> respondents to conduct detailed enquiry by considering the representation and complaint made by the petitioner to the 1<sup>st</sup> and 3<sup>rd</sup> respondents dated 20.01.2021 and 18.02.2021 for cancellation of the illegal and improper registration of Document No.55/2020 on the file of 2<sup>nd</sup> respondent and to take action against wrong doers respectively and



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dispose of the same on merits within a stipulated time fixed by this Court.

For Petitioner :Mr.M.Viji  
For R1 and R2 :Ms.D.Farjana Ghousia  
Special Government Pleader  
For R3 and R4 :Mr.R.Sivakumar  
Government Advocate (Crl.side)  
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### **ORDER**

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing respondents 1 to 3 to conduct enquiry baed on the representation/complaint given by the petitioner, wherein, the petitioner alleges that one Gnanamani has dealt with the subject property by concealing the earlier family arrangement and thereby, had created fraudulent documents in favour of Srinivasan and Ramesh through a registered sale deed dated 08.01.2020 registered as Doc.No.55/2020.

2.Heard Mr.M.Viji, learned Counsel for the petitioner, Ms.D.Farjana Ghousia, learned Special Government Pleader appearing on behalf of the respondents 1 and 2 and Mr.R.Sivakmar, learned Government Advocate appearing on behalf of the respondents 3 and 4.

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3.The petitioner is tracing his right through a family settlement dated 16.06.1994. According to the petitioner, the aforesaid Gnanamani is the elder sister of the petitioner's father. She has parallelly created a sale deed in favour of Srinivasan and Ramesh by completely disregarding the family settlement dated 16.06.1994. Therefore, the petitioner has given a complaint both to the first respondent as well as the third respondent. Since the same was not considered, the present Writ Petition has been filed.

4.Insofar as the complaint, that was given to the police is concerned, a direction was issued under Section 156(3) Cr.P.C., by the learned Judicial Magistrate, Aathoor and an enquiry was conducted and a report was filed before the learned Judicial Magistrate, Aathoor, on 01.12.2021, wherein, it has been stated that no cognizable offence has been made out for registration of an FIR. By virtue of the same, the criminal complaint was closed.

5.Insofar as the complaint, that was given to the first respondent, is



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concerned, it is seen that the second respondent has filed a counter affidavit before this Court by taking a stand that the said Gnanamani had only dealt with her share in the property and there is nothing fraudulent in the document that was executed by her in favour of aforesaid Srinivasan and Ramesh.

6.In the light of the specific stand that has been taken by the Registration Department, no useful purpose will be served in directing them to conduct an enquiry based on the representation given by the petitioner.

7.It is quite unfortunate that the petitioner is seeking for cancellation of the sale deed executed by Gnanamani in favour of Srinivasan and Ramesh, even without adding those persons as respondents in this Writ Petition.

8.Taking into consideration the facts and circumstances of the case and the specific stand that has been taken by the respondents, liberty is granted to the petitioner to work out his remedy before the competent



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Civil Court with regard to the sale deed that was executed by Gnanamani in favour of Srinivasan and Ramesh. Except giving this liberty, no further orders can be passed in this Writ Petition.

9.The Writ Petition is disposed of in the above terms. No costs.

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

**16.10.2023**

cmr

To

1.The District Registrar,  
Combined District Registrar Office, Dindigul District.

2.The Sub Registrar,  
Chinnalapatti Sub Registrar Office,  
Chinnalapatti, Dindigul.

3.The Superintendent of Police,  
Dindigul, Dindigul District.

4.The Sub Inspector of Police,  
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**N.ANAND VENKATESH, J.**

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