



WP(MD)No.5896 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **16.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.5896 of 2021

M.Pathurusaman

...Petitioner

/Vs./

- 1.The District Registrar,
Registration Department,
Ramanathapuram District,
Ramanathapuram.
- 2.The Sub-Registrar,
Thondi Sub-Registrar Office,
Karaikudi Sub-Registration District,
Ramanathapuram District.
- 3.Sulaiha Beevi
- 4.M.Mohammed Sadiq
- 5.S.Samsun Nigara
- 6.S.K.M.Mohammed Nizaar
- 7.N.Rahmath Nisha
- 8.The District Registrar,
Karaikudi,
Karaikudi District.

....Respondents

(R8 is suo motu impleaded vide Order of this Court dated 16.10.2023.)



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PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of mandamus directing the 1st respondent to conduct enquiry with regard to fraudulent registration of documents and pass orders on merits on the petitioner's representation dated 19.01.2021 within the time fixed by this Court.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.B.Saravanan,

Addl. Govt. Pleader for R1, R2 & R8

Mr.H.Velavadhas for R3 to R7

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the first respondent to conduct enquiry based on the representation made by the petitioner on 19.01.2021, wherein the petitioner is seeking for cancellation of the alleged fraudulent document that was created by the third respondent.

2. The District Registrar, Karaikudi, Karaikudi District, is suo motu impleaded as 8th respondent in this case.



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3. The case of the petitioner is that his father purchased a land measuring an extent of 2.50 acres in S.No.197 under a registered sale deed dated 24.07.1967. The further case of the petitioner is that patta was also granted in his favour in Patta No.660. On demise of the petitioner's father, the petitioner is claiming to be the absolute owner of the subject property.

4. The grievance of the petitioner is that the husband of the third respondent had purchased 40 cents of land in the very same survey number and his name was also included as joint pattadhar. He had executed power of attorney in favour of the third respondent on 09.09.2005 and based on the same, it is alleged by the petitioner that the third respondent has sold the land measuring an extent of 3 acres in favour of the respondents 4 to 7 in S.No.197.

5. According to the petitioner, the third respondent had suppressed the fact that the father of the petitioner was the owner of an extent of 2.50 acres in S.No.197. His property has also been dealt with by the third respondent. Hence, the petitioner made a representation before the eighth respondent seeking for an enquiry and for cancellation of the document. Since the same was not acted upon, the present writ petition has been filed before this Court.



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6. The learned counsel for the third respondent submitted that the entire claim that was made by the petitioner is false and that the third respondent never sold 3 acres of land as claimed by the petitioner.

7. The learned Additional Government Pleader appearing on behalf of the official respondents submitted that the representation / complaint made by the petitioner is pending before the eighth respondent.

8. Taking into consideration the facts and circumstances of the case and the materials placed before this Court, there shall be a direction to the eighth respondent to conduct an enquiry based on the representation made by the petitioner on 19.01.2021 by issuing notice to the petitioner and the respondents 3 to 7 and giving them opportunity. The eighth respondent shall pass orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the eighth respondent along with all the relevant documents and also a copy of this order.



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9. It is brought to the notice of this Court that the 5th respondent has already died and in such an event, notice shall be served on the legal heirs of the 5th respondent.

10. This writ petition is disposed in the above terms. No costs.

16.10.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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TO:-

1. The District Registrar,
Registration Department,
Ramanathapuram District,
Ramanathapuram.
2. The Sub-Registrar,
Thondi Sub-Registrar Office,
Karaikudi Sub-Registration District,
Ramanathapuram District.
3. The District Registrar,
Karaikudi,
Karaikudi District.



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N.ANAND VENKATESH, J.

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W.P.(MD)No.5896 of 2021

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