



WP(MD)No.12183 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.10.2023**

CORAM

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

W.P.(MD)No.12183 of 2021

Manickam

...Petitioner

/Vs./

1.The District Registrar,
Registration Department,
Thenkarai,
Periyakulam Registration Districts,
Theni District.

2.The Sub-Registrar,
Elumalai S.R.O.,
Periyakulam Registration District,
Madurai District.

3.Pandian

4.Jeyapandi

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 1st respondent to hold enquiry on the basis of the representation of the petitioner dated 12.02.2021 and pass necessary order within a time fram that may be fixed by this Court.

For Petitioner	: Mr.Siva Ilayaraja
For R1 & R2	: Mrs.S.Jeyapriya
	Government Advocate
For R3 & R4	: Mr.R.Venkatesan



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ORDER

This writ petition has been filed for issuance of writ of mandamus directing the first respondent to hold an enquiry based on the representation made by the petitioner on 12.02.2021, wherein the petitioner has complained that the 3rd and 4th respondents have fraudulently created a document and got the property conveyed in their favour.

2. Heard Mr.Siva Ilayaraja, learned counsel for the petitioner, Mrs.S.Jeyapriya, learned Government Advocate for the first and second respondents and Mr.R.Venkatesan, learned counsel for the respondents 3 and 4.

3. The case of the petitioner is that the property belongs to the husband of the petitioner and that he executed a gift deed in favour of the petitioner on 29.12.1993. Thereafter, according to the petitioner, the 3rd and 4th respondents, who are none other than the daughter and son-in-law of the petitioner managed to get the thumb impression of the petitioner as if they are going to take credit facilities from the bank and whereas, they got a sale deed executed in their favour. This document is sought to be cancelled by the petitioner by way of giving a complaint before the District Registrar. Since the complaint /



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representation was not acted upon, the present writ petition has been filed before this Court.

4. In the considered view of this Court, the claim that has been raised by the petitioner cannot be dealt with by the first respondent. There is no dispute with regard to the fact that the petitioner had executed the document and only claim is that the petitioner never intended to convey the property in favour of the respondents 3 and 4 and she only thought that her signature / thumb impression is taken to enable the respondents 3 and 4 to take a bank loan.

5. Admittedly, the document in question is a registered document and if really the petitioner was aggrieved by the execution of this document, the petitioner ought to have worked out her remedy before the competent civil Court. It is also seen that for a document which was executed in 2011, the complaint has been given to the 1st respondent in the year 2021, on the ground that the petitioner came to know about the execution of the sale deed only later. If the petitioner is aggrieved by the so-called execution of fraudulent document, she has to only workout her remedy only before the competent civil Court by letting in proper evidence. Except giving this clarity, no further orders can be passed in this writ petition.



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

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NCC : Yes/No
Internet :Yes/No
Index :Yes/No
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To,

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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.12183 of 2021

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