



W.P.(MD)No.19544 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19544 of 2020

D.Mahendran

.. Petitioner

Versus

1.The Inspector General of Registration,
100, Santhome High Road,
Mylapore, Chennai,
Tamil Nadu – 600 028.

2.The District Registrar,
O/o. the District Registrar,
Court Campus,
Tiruchirapalli – 620 001.

3.The Sub Registrar,
Tiruverumbur Sub-Registration Office,
Tiruverumbur, Tiruchirapalli – 620 013.

4.Kesavan @ Arumugam, S/o.Ramasamy

5.Durga, W/o.Kesavan @ Arumugam

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to initiate enquiry for registering the fraudulent document by the respondents 4 and 5 and pass suitable orders upon the enquiry in the light of Letter No.

41530/U1/2017, dated 31.07.2018.



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For Petitioner : Mr.K.Sivabalan

For R1 to R3 : Ms.S.Jeyapriya
Government Advocate

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the second respondent to initiate enquiry based on the complaint given by the petitioner, alleging that the respondents 4 and 5 have created fraudulent documents, by means of a settlement deed, dated 18.08.2017, with respect to the same property, which was sold in favour of the mother of the petitioner, through a registered sale deed, dated 14.07.2006.

2. The case of the petitioner is that the subject property originally belonged to the fourth respondent and the fourth respondent had sold the said property in favour of the mother of the petitioner through a registered sale deed, dated 14.07.2006, registered as Document No.3164 of 2006. The further case of the petitioner is that his mother had executed a settlement deed in his favour on 24.01.2014 and thereby, the petitioner is claiming to be the absolute owner of the subject property.

3. The grievance of the petitioner of the petitioner is that the fourth respondent after having sold the property, had fraudulently executed a settlement deed in favour of the fifth respondent, who is none other than his



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wife, on 18.08.2017 and this document has been registered as Document No. 3123 of 2017 before the third respondent. In view of the same, the petitioner gave a complaint before the second respondent to conduct an enquiry and to cancel the fraudulent document and to take action against the respondents 4 and 5. Since the same was not considered, the present Writ Petition has been filed before this Court.

4. Heard Mr.K.Sivabalan, learned counsel for the petitioner and Ms.S.Jeyapriya, learned Government Advocate for the respondents 1 to 3.

5. In the considered view of this Court, the petitioner has *prima facie* established that the fourth respondent after having sold the subject property to the mother of the petitioner, had dealt with the very same property and had executed a settlement deed in favour of his wife, namely, the fifth respondent. Therefore, this definitely requires an enquiry by the second respondent for taking further course of action.

6. In view of the above, there shall be a direction to the second respondent to conduct an enquiry by issuing notice to the petitioner and the respondents 4 and 5 and pass orders on its own merits and in accordance with law, within the ambit of the Registration Act, within a period of 12 weeks

<https://www.mhc.tn.gov.in/judis> from the date of receipt of a copy of this order.



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7. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.

8. This Writ Petition is disposed of in the above terms. No costs.

NCC : Yes/No
Index : Yes/No
smn2

09.10.2023

To

- 1.The Inspector General of Registration,
100, Santhome High Road,
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N.ANAND VENKATESH, J.

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