



W.P.(MD)No.19971 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19971 of 2021

Vellaiammal

... Petitioner

-VS-

1.The Additional Inspector General of Registration,
Inspector General of Registration Office, Chennai.

2.The District Registrar (Administration),
Tenkasi.

3.The Sub Registrar,
Kadayanallur, Tenkasi, Tirunelveli District.

4.Chellaiah

5.Muthusamy

6.Karthick

7.Venkatesh

8.K.U.Hussain

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, directing the second respondent to conduct



W.P.(MD)No.19971 of 2021

appropriate enquiry under Section 68(2) under Registration Act, 1908 as per the letter communication of the first respondent in Letter No.7351/U4/2021, dated 16.03.2021 and pass orders within a time fixed by this Court.

For Petitioner : Mr.A.Sivasubramanian
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 conduct enquiry based on the representation made by the petitioner on 15.02.2021, wherein the petitioner has sought for the cancellation of the documents executed by the respondents 4 to 8.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Government Advocate appearing on behalf of the respondents 1 to 3.

3. The case of the petitioner is that the subject property originally belonged to the mother of the petitioner. According to the petitioner, the



W.P.(MD)No.19971 of 2021

fourth respondent, who is none other than the brother of the petitioner, created a fabricated Will, as if the mother had executed the Will in his favour and has bequeathed the entire property. Based on the same, the fourth respondent executed a settlement deed in favour of his sons, who are the respondents 5 to 7 and they in turn, executed a sale deed in favour of the eighth respondent on 17.10.2019. The eighth respondent in turn, had sold the property as plots to various persons.

4. The further case of the petitioner is that she filed a partition suit before the Principal Sub Court, Tenkasi, in O.S.No.168 of 2015, seeking for half share in the subject property and in that suit, it was held that the Will that was relied upon by the fourth respondent was not a genuine document. Accordingly, the preliminary decree was passed by judgment and decree, dated 12.08.2020 and the petitioner was granted half share in the property.

5. Pursuant to the above, the petitioner made a representation to the respondents 1 to 3, seeking for the cancellation of the documents executed by the respondents 4 to 8. On receipt of the same, the first respondent through communication dated 16.03.2021, directed the second respondent to conduct



W.P.(MD)No.19971 of 2021

an enquiry and to submit a report. Since the same was not acted upon, the present Writ Petition was filed before this Court.

6. Taking into consideration the facts and circumstances of the case and the materials placed before this Court and after considering the decree that was passed in O.S.No.168 of 2015 by the learned Principal Sub Judge, Tenkasi, there shall be a direction to the second respondent to deal with the representation/complaint given by the petitioner, by conducting an enquiry after affording an opportunity to the petitioner and the respondents 4 to 8 and final orders shall be passed on its own 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 second respondent along with all the relevant documents and also a copy of this order.

7. This Writ Petition is disposed of with the above directions. No costs.

NCC : Yes/No
Index : Yes/No
smn2

15.11.2023

4/6



W.P.(MD)No.19971 of 2021

To

- 1.The Additional Inspector General of Registration,
Inspector General of Registration Office, Chennai.
- 2.The District Registrar (Administration),
Tenkasi.
- 3.The Sub Registrar,
Kadayanallur, Tenkasi, Tirunelveli District.



WEB COPY



W.P.(MD)No.19971 of 2021

N.ANAND VENKATESH, J.

smn2

W.P.(MD)No.19971 of 2021

15.11.2023