



W.P.(MD)No.20503 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20503 of 2023

Daya Swarna Joy Rasalam

... Petitioner

versus

1. The Inspector General of Registration,
Office of the Inspector General of
Registration,
No.100, Santhome High Road,
Chennai – 600 028.
2. The District Registrar,
Office of the District Registrar,
Kanyakumari District.
3. The District Registrar,
Office of the District Registrar,
Tirunelveli District.
4. The Sub-Registrar,
Radhapuram,
Tirunelveli District.
5. The Sub-Registrar,
Edalakudi,
Kanyakumari District.



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6. Liljo Tilak
7. Sunjo Tilak
8. Maria Lawrence
9. M.Benin
10. Murugan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 1 to 3 herein to dispose of the petitioner's representation dated 11.07.2022 and 18.07.2022 within a time frame fixed by this Court.

For Petitioner : Mr.M.P.Senthil
For R1 to R5 : Ms.D.Farjana Ghoushia,
Special Government Pleader

ORDER

The case of the petitioner is that her mother Lily Elizammal Ebenezer purchased a property situated in Survey No.675/3A1 situated at Therur Village, Agastheeswaram Taluk, Kanyakumari District through a registered sale deed in Document No.3624/1981. After the purchase of the property, she was in possession and enjoyment of the property. While so, she died on 25.05.2016. After the death of her



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mother, her brothers and sisters have executed a power deed in her favour, in respect of the said property. While so, one Johnle Tilak, brother of the petitioner, had fraudulently made a settlement deed dated 20.04.2021 as if her mother had settled the property in his favour. Thereafter, he executed a power of attorney in favour of his sons, who are respondents 6 and 7, through which, they have sold the property in favour of the respondents 8 and 9.

2. Now, it is the grievance of the petitioner that her mother died on 25.05.2016, but, her brother, by impersonation that her mother had settled the property in his favour, has created a fraudulent settlement deed dated 20.04.2021. Therefore, she has submitted an application before the District Registrar, Tirunelveli on 18.07.2022, requesting him to take necessary action as required under Section 83 of the Registration Act. Since the said application has not been considered, the petitioner has filed this writ petition.



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3. When this writ petition is taken up for admission, the learned Special Government Pleader, who takes notice for respondents 1 to 5, based on the written instructions received from the District Registrar, Tirunelveli dated 23.08.2023, submits that on the petitioner's application, enquiry has already been concluded and final decision is yet to be taken.

4. Recording the submission of the learned Special Government Pleader that they have already conducted an enquiry and decision is yet to be taken, this writ petition is closed with a direction to the 3rd respondent to take a decision on the petitioner's representation within a period of four weeks from the date of receipt of a copy of this order. No costs.

23.08.2023

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



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B.PUGALENDHI, J.

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