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W.P.No.5211 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.5211 of 2019

R.Vijaya

... Petitioner

Vs.

- 1.The Inspector General of Registration,
100, Santhome High Road,
Chennai – 600 028.
- 2.The Additional Inspector General of Registration,
3rd Floor, Collector Office Campus,
Salem-1.
- 3.The District Registrar,
Krishnagiri – 635 001.
- 4.The Sub Registrar,
Hosur – 635 109,
Krishnagiri District.
- 5.R.Venkatesh

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the third respondent to consider the petitioner's representation dated 28.12.2018 and pass orders in



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accordance with law for taking action under Sections-82 and 83 of the Registration Act, 1908 and for cancellation of fraudulent Settlement deed dated 21.09.2012 registered as Document No.12568/2012 at the office of Sub Registrar, Hosur.

For Petitioner : M/s.R.Bharath Kumar

For Respondents 1 to 4 : Mr.P.Ananda Kumar,
Government Advocate

For Respondent 5 : Mr.S.Shyam Kumar

ORDER

The petitioner has filed this petition seeking direction to the third respondent to consider the petitioner's representation dated 28.12.2018 and pass orders in accordance with law for taking action under Sections-82 and 83 of the Registration Act, 1908 and for cancellation of fraudulent Settlement deed dated 21.09.2012 registered as Document No.12568/2012 at the Office of Sub Registrar, Hosur.

2. The case of the petitioner is that the lands measuring an extent of 1928 sq.ft. comprised in Grama Natham Survey No.6/1A/1A/1A/4, New Survey No.1072/6, 1072/1 situated at Hosur Town, Hosur Taluk, Krishnagiri



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District originally belonged to petitioner's mother, who died on 03.03.2011, leaving behind her three daughters and one son as her legal heirs. During her life-time, the petitioner's mother executed a registered will dated 11.11.2002 bearing Doc.No.106 of 2002 in the office of the fourth respondent and bequeathed the aforesaid property in favour of the petitioner. By virtue of the said will, the petitioner has acquired the said property.

2.1. While so, when the petitioner applied for encumbrance certificate, she came to know that her brother Mr.Venkatesh, who is the fifth respondent herein had fraudulently settled the aforesaid property in favour of his wife Mrs.V.Pavithra by furnishing false information before the fourth respondent herein under the settlement deed dated 21.09.2012. Hence, the petitioner has sent a representation dated 28.12.2018 to the respondents 1 to 4, requesting them to cancel the fraudulent settlement deed dated 21.09.2012. However, till date no action has been taken by the respondents. Aggrieved over the same, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that it would suffice, if this Court



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issues direction to the third respondent to consider the petitioner's representation dated 28.12.2018, within a time frame to be fixed by this Court.

4. Learned Government Advocate appearing for the respondents 1 to 4 has no objection for the said order being passed by this Court.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the limited prayer sought for by the learned counsel for the petitioner, this Court without going into the merits of the case, directs the third respondent to consider the petitioner's representation dated 28.12.2018 by conducting a detailed enquiry after giving due notice, to both the parties, affording an opportunity of personal hearing, to consider the relevant documents submitted by both the parties at the time of the enquiry in regard to the subject matter property and pass appropriate orders on merits, in accordance with law and by following/observing the above principles of natural justice, within a period of eight weeks from the date of receipt of a



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copy of this order.

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7. This Writ Petition is disposed of with the aforesaid observation and directions. No costs.

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

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J.SATHYA NARAYANA PRASAD,J.

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