



W.P. No.25168 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 08.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P. No.25168 of 2022 and
W.M.P. No.24125 of 2022

Shankar

. . Petitioner

Vs

- 1.The Inspector General of Registration
No.100 Santhome High Road
Chennai 600 004
- 2.The District Registrar
Tiruvallur Registration District
Tiruvallur - 602 001
- 3.The Sub Registrar
Redhills Registrar Office
Redhills, Chennai - 600 052
- 4.The Tahsildar
Purasaiwalkam-Perambur Taluk
Purasaiwalkam, Chennai - 600 011
- 5.The Commissioner of Police
Avadi Police Commissionerate
Avadi



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6.The Inspector of Police
M-4 Police Station
Redhills, Chennai - 600 052

7.Smt.K.Nirmala

8.K.Ekambaram

9.M.Maharajan

10.U.Rathinesan

11.S.Bhuvaneswari

. .Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 1 to 3 to initiate appropriate action upon the complaint/petition dated 12.05.2022 and cancel the fraudulent and forged settlement deeds dated 31.12.2020 and 22.06.2021 as registered in Document Nos.12300 and 6474 respectively on the file of Sub Registrar, Redhills and all subsequent documents of encumbrance with respect to the property situated at (a) Grand Village, Puzhal Panchayat Union, Madhavaram Taluk, Thiruvallur District, bearing Survey No.18/2 in Vishnu Nagar layout, Old Patta No.220, New Patta No.390 Plot No.235 measuring the total extent of 1530 square feet of vacant land registered in Document No.7455 of 1989 dated 30.06.1989, and (b) Maharaja Nagar Plot No.10, Grand Line Village, Madhavaram Taluk, Thiruvallur District, Survey No.49/4 measuring an extent of 888 square feet of vacant land registered in Document No.4801 of 1990 dated 30.06.1990.



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For Petitioner : Mr.M.L.Ramesh

For Respondents : Mr.B.Vijay,
Addl. Govt. Pleader for R1 to R3
Mr.P.Gurunathan,
Addl. Govt. Pleader for R4
Mr.S.Sugendran,
Additional Public Prosecutor for R5 & R6
No Appearance for R7 to R11

ORDER

This writ petition has been filed seeking a direction to the respondents to take action to cancel the document registered by one Nirmala, on 31.12.2020 claiming to be one of the legal heirs of one Govindasamy.

2. It is the case of the writ petitioner that one Govindasamy has left behind him seven Class I legal heirs. The seventh respondent is also one of the legal heirs and she has forged the legal heir certificate claiming her to be the only legal heir of her father and settled the property in favour of her son and then transferred the property to him. In this regard, the writ petitioner has given a representation to the third respondent, to cancel the settlement deed.



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3. At the outset, this court is of the view that even assuming that the seventh respondent has dealt with the property as if she is the only legal heir, the rights of the writ petitioner will not be defeated. The writ petitioner can avoid such document and he can file a suit for mere partition. In the same proceedings, he can also establish the alleged forgery of the so called legal heir certificate.

4. With the above direction, the writ petition is closed. The petitioner is at liberty to file a partition suit. Since the petitioner has been prosecuting the matter bona fide before this court, the limitation, if any, shall be excluded under Section 14 of the Limitation Act. No costs. Consequently, the connected writ miscellaneous petition is closed.

08.04.2024

Index : Yes / No
Speaking/non speaking order
Neutral Citation : Yes/No
Asr

To

1.The Inspector General of Registration



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- 6.The Inspector of Police
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- 7.The Government Pleader
High Court, Madras
- 8.The Public Prosecutor
HighCourt, Madras



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N. SATHISH KUMAR, J.

Asr

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