



W.P.(MD)No.1765 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 31.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1765 of 2024

Mrs.S.Krithika

... Petitioner

Vs

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.
- 2.The Deputy Inspector General of Registration,
Govt. Multistoried Building, 2nd Floor,
Race Course Road, Kajamalai Colony,
Trichy-23.
- 3.The District Registrar (Audit),
District Registrar's Office,
Court Complex, Cantonment,
Trichy.
- 4.The District Registrar (Administration)
District Registrar's Office,
Court Complex, Cantonment,
Trichy.
- 5.The Joint-I Sub Registrar,
District Registrar's Office,
Court Compound, Cantonment,
Trichy-620 001.
- 6.Mrs.S.Rajeswari
- 7.Dr.S.Sathishkumar
- 8.Dr.S.Ezhilnila

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to dispose of the petitioner's representation, dated 16.11.2023 sent on 16.12.2023 after building inspection made by the second or third respondent and to take action against the respondents 6 to 8 after giving opportunity of personal hearing to the petitioner.

For Petitioner : Mr.V.Sundar Raman

For R1 to R5 : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to dispose of the petitioner's representation, dated 16.11.2023 sent on 16.12.2023 after building inspection made by the second or third respondent and to take action against the respondents 6 to 8 after giving opportunity of personal hearing to the petitioner.

2. Heard Mr.V.Sundar Raman, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the respondents 1 to 5.

3. Considering the nature of the order proposed to be passed, protecting



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the interest of the respondents 6 to 8 also, notice to the respondents 6 to 8 is dispensed with. By consent, this writ petition is disposed of at the admission itself.

4. According to the petitioner, her father Mr.G.Subramanian had purchased a vacant land by way of sale deed dated 28.02.2007 registered as document No.1028 of 2007 on the file of the SRO Joint I Trichy measuring an extent of 2400 Sq.ft at Somasundara Nagar 1st Street, Melakalkandar Kottai, Trichy in the name of her mother S.Rajeswari. When she demanded her parents to purchase the property in her name, they convinced him that she is studying 1st year college and they convinced him that to gift the same to him at the time of marriage. After marriage, when she was admitted in the hospital for her delivery, without her knowledge, the 6th respondent executed a sham and nominal sale deed dated 05.05.2023 registered as document No.3167/2023 on the file of SRO Joint I Trichy in the name of the respondents 7 & 8. All the legal measures have been taken by the petitioner to cancel the said sham and nominal sale deed in the manner known to law. Originally, it was discussed between the 6th respondent and the respondents 7 & 8 that a sum of Rs.one crore and forty lakhs as the sale consideration and whereas, the consideration has been mentioned as Rs.forty lakhs in the said fraudulent sale deed. The



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stamp duty had not been properly valued and no proper stamp duty had been paid. The respondents 7 & 8 had not only committed fraud on him by suppressing all those facts in the sale deed No.3167/2023 on the file of the 5th respondent but also committed fraud on the respondents in payment of proper stamp duty, thereby, created loss to the Government exchequers by contravening the provision laid down in Section 27 of the Indian Stamp Act, 1899. The petitioner has sent a notice through her counsel on 08.11.2023 to the respondents 6 to 8. The 6th respondent sent a reply on 15.11.2023 through her counsel. The respondents 7 & 8 sent an evasive reply on 21.11.2023. The petitioner made a detailed representation to the respondents 1 to 4 on 16.11.2023. In spite of receipt of the said representation, the respondents 1 to 4 had not taken any action against the respondent 7 & 8. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5. The learned Additional Government Pleader appearing for the respondents would submit that it is a civil dispute and the petitioner has to approach the Inspector General of Registration under Section 47-A of the Registration Act and prayed for dismissal of the writ petition.



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6. It is seen from the records that it is a civil dispute between the family members, hence, the petitioner has to approach the Inspector General of Registration under Section 47-A of the Registration Act. If she is having any right in the property, she has to file a civil suit before the Civil Court.

7. In view of the above, this writ petition is dismissed with liberty to the petitioner to approach the first respondent and proceed further in accordance with law. No costs.

31.01.2024

Index : Yes/No
Internet: Yes/No
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V.BHAVANI SUBBAROYAN, J.

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