



W.P.(MD) No.23749 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.23749 of 2017

Samiraj, S/o.Marimuthu

... Petitioner

Vs.

1.The District Registrar (Administration),
Karaikudi,
Sivagangai District.

2.Kavitha, W/o Senthilnathan,

3. C.Arunachalam

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to initiate appropriate penal actions against the respondents 2 and 3 as per Section 83 of Registration Act, by following the circular in Letter No. 41530/U1/2017 dated 20.10.2017 based on the finding recorded in the proceedings in Na.Ka.No.543/A2/2017, dated 17.07.2017 of the first respondent.

For Petitioner : Mr.J.Anandkumar

For R1 : Mr.R.Ragavendran
Government Advocate

For R2 : No Appearance

For R3 : Mr.D.Venkaesh



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ORDER

WEB COPY This Writ Petition has been filed for a Mandamus, to direct the first respondent to initiate appropriate penal actions against the respondents 2 and 3 as per Section 83 of Registration Act, 1908, by following the circular in Letter No.41530/U1/2017 dated 20.10.2017 based on the finding recorded in the proceedings in Na.Ka.No.543/A2/2017, dated 17.07.2017 of the first respondent.

2. It is the case of the petitioner that the second respondent taking advantage of the illiteracy of the petitioner's mother, after the death of the petitioner's father, had created a forged Legal Heirship Certificate to the effect that the petitioner's mother namely, Thilagavathi alone was the legal heir of the petitioner's deceased father Marimuthu and that based on the above said forged Legal Heirship Certificate, a Power Deed in respect of the petitioner's property was obtained from the petitioner's mother and based on the Power Deed dated 27.09.2016, the property was sold to the third respondent on 26.10.2016. Under these circumstances, the petitioner has given a representation to the first respondent to cause an enquiry and to take action against the private respondents under Sections 82 and 83 of the Registration Act, 1908.



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3. *Prima facie*, there is a case made out for the relief sought for by the petitioner in terms of Sections 82 and 83 of the Registration Act, 1908. Accordingly, this Writ Petition stands allowed by directing the first respondent to take suitable action against the private respondents herein in accordance with law. No costs.

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
smn2

26.07.2024

To

The District Registrar (Administration),
Karaikudi,
Sivagangai District.



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C.SARAVANAN, J.

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