

WP No. 1462 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :23.01.2025

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CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 1462 of 2025

Suguna

...Petitioner

Vs

1. The Inspector General of Registration,
Santhome High Road,
Pattinapakkam,
Chennai 600 028.
2. The District Registrar,
O/o The District Registrar – Ranipet,
Ranipet District 632 401.
3. The Sub Registrar,
Sub Registrar Office,
Sholinghur, Ranipet District.
4. The Tahsildar,
Sholinghur Town and Taluk,
Sholinghur, Ranipet District.
5. Dhanalakshmi
6. Bangaru
7. Lalitha
8. S.Jeevakala
- 9.S.Lakshmi
- 10.S.Sinduja
- 11.S.Subashini
- 12.S.Dharani
- 13.S.Lakshminarayanan
- 14.Amudha Valli

... Respondents



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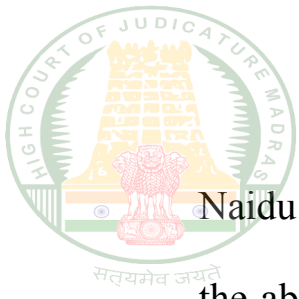
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to initiate appropriate proceedings as provided under Sections 82 and 83 of the Registration Act (Act 16 of 1908) based on the petitioner's representation dated 04.11.2024.

For Petitioner : Mr.D.Senthil Kumar
For Respondents : Ms.C.Meera Arumugam
Additional Government Pleader

ORDER

This writ petition has been filed for a mandamus, directing the respondents 1 to 3 to initiate appropriate proceedings as provided under Sections 82 and 83 of the Registration Act (Act 16 of 1908) based on the petitioner's representation dated 04.11.2024.

2. The petitioner would submit that the properties comprised in Kondapalayam Village, Walaja Taluk, Araokanam belonged to one Kannappa Naidu. Kannappa Naidu has 3 sons, namely, Munusamy Naidu, Subba Naidu and Sanjeevi Naidu and on his death, they have derived title equally over the said lands. Munusamy Naidu died issue less as a bachelor on 10.11.1994 leaving behind his brothers, Subba



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Naidu and Sanjeevi Naidu who were in possession and enjoyment of the above mentioned properties jointly. The petitioner's father, Subba Naidu had died intestate and on his demise, his son, namely Sriramulu, the petitioner and respondents 5 to 7 had inherited the properties equally. The petitioner, the said Sriramalu and respondents 5 to 7 had orally agreed that the property would be used by the said Sriramalu for the purpose of residence and livelihood till such time as none of the legal heirs had any objection to his occupation. If any of the legal heirs of Subba Naidu calls upon the rest of the legal heirs to partition the aforesaid property by metes and bounds, he shall deliver the vacant possession of their respective shares at any time and Sriramalu will not deal with the properties in any manner except his residence.

3. The petitioner would submit that the said Sriramalu did not come forward to effect the partition and the petitioner had also learnt that he was attempting to sell the property by manipulating and forging false documents. To deprive the plaintiff of his share, Sriramalu had created an illegal partition of the schedule properties between him and Sanjeevi Naidu through a registered Partition Deed dated 06.04.2011.



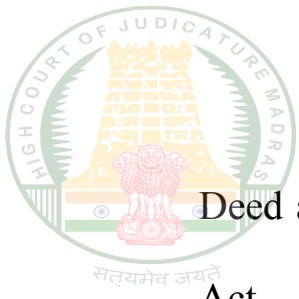
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In the said deed, it was mentioned that the said Sriramulu was the only successor and legal heir of Subba Naidu and the existence of the petitioner and respondents 5 to 7 was suppressed and the Deed was registered. This document clandestinely came into existence. The petitioner has sent a representation dated 04.11.2024 to respondents 1 to 3 to enquire into the illegal partition deed that has been executed between the petitioner and the said Sanjeevi Naidu which has not been considered. Hence, the petitioner is before this Court.

4. Heard the learned counsels on both sides and perused the materials available on record.

5. The petitioner's contention is that Sriramalu had executed a Partition Deed as if he is the only legal heir of Subba Naidu. The said Sanjeevi Naidu has also suppressed this fact since he is the brother of the petitioner's father. In the Partition Deed, the said Sriramalu has mentioned that he alone is the successor and legal heir of Subba Naidu, which is an absolute false statement. In her representation dated 04.11.2024, the petitioner has asked for cancellation of the Partition



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Deed and for an enquiry under Sections 82 and 83 of the Registration

Act. The writ petition is filed for a mandamus to dispose of her representation. The representation insofar it relates to the cancellation of the document cannot be granted in the light of the judgment reported in **(2024) 4 CTC 769 [M.Kathirvel Vs. Inspector General of Registration Department of Registration and Others]**. Therefore, the writ petition is partly allowed and the respondents are directed to conduct an enquiry under Sections 82 and 83 of the Registration Act and pass orders on merits and in accordance with law within a period of 3 months from the date of receipt of a copy of this order. No costs.

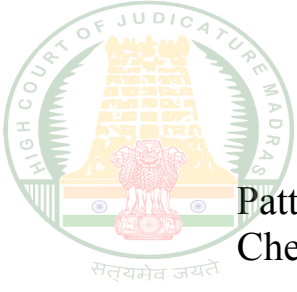
23.01.2025

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
srn

To,

1. The Inspector General of Registration,
Santhome High Road,

5/7



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Pattinapakkam,
Chennai 600 028.

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O/o The District Registrar – Ranipet,
Ranipet District 632 401.
3. The Sub Registrar,
Sub Registrar Office,
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4. The Tahsildar,
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P.T.ASHA, J.,

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