

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.12481 of 2015

and

M.P.No.1 of 2015

R.Panneerselvam

...Petitioner

vs

1. The Inspector General of Registration
100, Santhome High Road
Pattinapakkam
Chennai 600 028

2. The Sub Registrar, Ambattur
Chennai, Tamil Nadu 600 053

3. Jitesh Kumar

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 and 2 to cancel Doc.No.161/2014 dated 8.8.2014.

For Petitioner : Mr.Nithyaessh Natraj

For Respondents : Mr.M.Digvijaya Pandian
Additional Government Pleader
for RR1 & 2

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that he is the absolute owner of the property admeasuring to a total extent of 2 acres comprised in Survey No.141/2(Part), 141/4A (part), 141/4B (part) and Survey No.141/3A together with buildings known as Rohini Movie Park Theatres consisting of six theatres with all furniture, fitting, generators, air-conditioners, etc., situated at Door No.141/2, Poonamallee High Road, Koyembedu, Chennai 107 and further claims that in the Encumbrance Certificate as well as the patta, his name finds place

and he is the undisputed owner of the said property. According to the petitioner, he applied for the Encumbrance Certificate in respect of the other properties; but, he was shocked and surprised to note that a Power of Attorney registered as Document No.161 of 2014 dated 8.8.2014, was said to have been executed in favour of one Jitesh Kumar-the third respondent, without his knowledge.

3.The learned Counsel appearing for the petitioner, would submit that the said document has been fabricated and forged for the reason that the petitioner never appeared before the concerned Sub-Registrar and executed the document and subsequently, based on the above said Power of Attorney, a registered mortgage deed bearing Document No.3857/2014, was also executed on 5.9.2014, and in this regard, a representation dated 10.4.2015, was submitted to the first respondent, which was acknowledged on 13.4.2015, and it was also followed by a reminder dated 21.4.2015, and since no response is forthcoming, he came forward to file this writ petition.

4.The Court heard the submissions of Mr.M.Divgijaya Pandian, learned Additional Government Pleader, who accepted notice for the respondents 1 and 2, also.

5.Though the petitioner prayed for a larger relief, this Court, in the facts and circumstances of the case, is of the view that the the representation dated 10.4.2015, submitted to the first respondent, a copy of which has also been marked to the second respondent, may be considered and disposed of by the second respondent and liberty is also to be given to submit one more representation.

6.In the result, the writ petition is disposed of and it is open to the petitioner to submit one more representation to the second respondent enclosing copies of the earlier representations dated 10.4.2015 as well as 21.4.2015, within a period of one week from the date of receipt of a copy of this order, and the second respondent, on receipt of the same, is directed to consider it in accordance with law, after putting the third respondent on notice, and pass orders as expeditiously as possible and not later than eight weeks thereafter, and communicate the decision to the petitioner as well as to the third respondent. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

nsv

To

1. The Inspector General of Registration
100, Santhome High Road
Pattinapakkam
Chennai 600 028

2. The Sub Registrar, Ambattur
Chennai, Tamil Nadu 600 053

1 CC to the Government Pleader, SR.No. 23262

W.P.No.12481 of 2015

MP (CO)
PSI (08.05.2015)



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