

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.16747 of 2015

S.Martin

...Petitioner

-Vs-

1.District Registrar (Admin.)
Sembiam SRO (North),
Sub Registrar Office,
No.1, Moorthykal Lane,
Chennai-600 001.

2.The Sub-Registrar,
Sembiam,
5, Papermills Road,
Sembiam,
Chennai-600 011.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to conduct proper investigation in accordance with Circular 67 dated 03.11.2011 issued by the Inspector General of Registrations, and Section 83 of the Registration Act, 1908 and dispose of the matter at the earliest and consequently cancel the Settlement Deed bearing Doc.No.700/2011 dated 28.01.2011 on the file of the SRO, Sembiam.

For Petitioner : Mr.N.R.Elango, Senior Counsel
for Mr.R.Vivekananthan

For Respondents : Mr.Rm.Muthukumar
Government Advocate

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O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner claims that he had purchased properties from a charitable Trust named "Appiya Nagendra Iyer Nagar Poojai Vagaiyara Anna Samardhanai Dharma Trust" and the details of which are as follows:

"Madurai District, Madurai North Registration District,

Thamaraipatti Sub-Registrar District, Madurai North Taluk,
Uthangudi Village.

Survey No.	Extent	Doc.No.
43/9	1.08	2937/2001
43/11	0.11	2937/2001
130/9A	0.33	2936/2001
74/5B	0.33	2938/2001
131/1A	0.40 (Out of 0.70)	2939/2001
92/3	0.56	2940/2001
92/4	0.21	2941/2001
73/3	1.37	2942/2001
74/1	3.18	2944/2001 (sold)
75/1A	0.75	2944/2011 (sold)

Madurai District, Madurai North Registration District,
Thamaraipatti Sub-Registrar District, Melur Taluk,
Narasingam IV Bit Village.

Survey No.	Extent	Doc.No.
152/3A	1.92	2936/2001
New 157/2	0.20	2939/2001
New 157/3	0.11	2943/2001
Total	Acre 2.23 cents	

Madurai District, Madurai North Registration District,
Thallakulam Sub-Registrar District, Melur Taluk,
Illandaikulam Village.

Survey No.	Extent	Doc.No.
8	5.24	2940 to 2943

3. The petitioner would further claim that subsequent to the purchase, he has obtained patta in respect of the properties from the concerned Tahsildars and he is in possession and enjoyment of the same. The petitioner would further state that he sold an extent of 3.18 acres of the said property at S.F.No.74/1 to M/s.Dhaya Cyber

Park Private Limited, by virtue of Sale Deed in Doc.No.820/2010 dated 05.03.2010, on the file of the Sub-Registrar Office, Othakadai and on the same day, he has also executed a General Power of Attorney in favour of one Mr.Sugumar, vide Doc.No.111/2010 in respect of an extent of 0.77 acres of the said property situated at S.F.No.75/1A and based on the said General Power of Attorney, his Power Agent had sold the lands in favour of the said company by virtue of sale deed in Doc.No.993/2010 dated 15.03.2010 on the file of the Sub-Registrar Office, Othakadai. The petitioner would further state that pursuant to the said sale to the above said company, he received a legal notice dated 14.06.2011 from one Mr.T.A.Ananda Moorthy alleging that by practicing fraud, he executed a Deed of Settlement in favour of one Mrs.J.Meghala, W/o.Mr.John Britto in respect of the subject property along with few other properties situated at Chennai, vide Settlement Deed Doc.No.700/2011 dated 28.01.2011 on the file of the Sub-Registrar Office, Sembiam, Chennai. The petitioner sent a reply notice dated 21.06.2011 stating that he had succeeded in all the civil suits and on verification with the Sub-Registrar, Sembiam, he came to know that a fabricated and false settlement deed dated 28.01.2011 was alleged to have been executed by him in favour of one Mrs.J.Meghala in respect of the subject property. The petitioner also submitted a representation dated 14.07.2014 to the first respondent praying for conducting proper enquiry in accordance with Section 83 of the Registration Act, 1908 r/w. Circular 67 dated 03.11.2011 issued by the Inspector General of Registration and cancel the said forged deed of settlement in Doc.No.700/2011 dated 28.01.2011. In response to the said representation, the Office of the first respondent has sent a communication dated 17.11.2014 calling upon him to appear for enquiry and the petitioner also appeared before him and submitted his explanation and thereafter, no orders have been passed by the first respondent and hence, came forward to file this writ petition.

4. Mr.N.R.Elango, learned Senior Counsel appearing for the petitioner would submit that it would be suffice to direct the first respondent to act on the petitioner's representation dated 14.07.2014 in accordance with law and pass orders at an early date.

5. Heard the submissions of Mr.Rm.Muthukumar, learned Government Advocate, who accepts notice for the respondents and would submit that the first respondent may be directed to pass appropriate orders, after putting the concerned persons on notice, strictly in accordance with law.

6. This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the first respondent to act on the petitioner's representation dated 14.07.2014 as well as the notice dated 17.11.2014 in proceedings No.6852/A/2014, after putting on notice the persons concerned and pass orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this

order and communicate the decision taken, to the petitioner as well as the persons concerned.

7. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

jvm
To

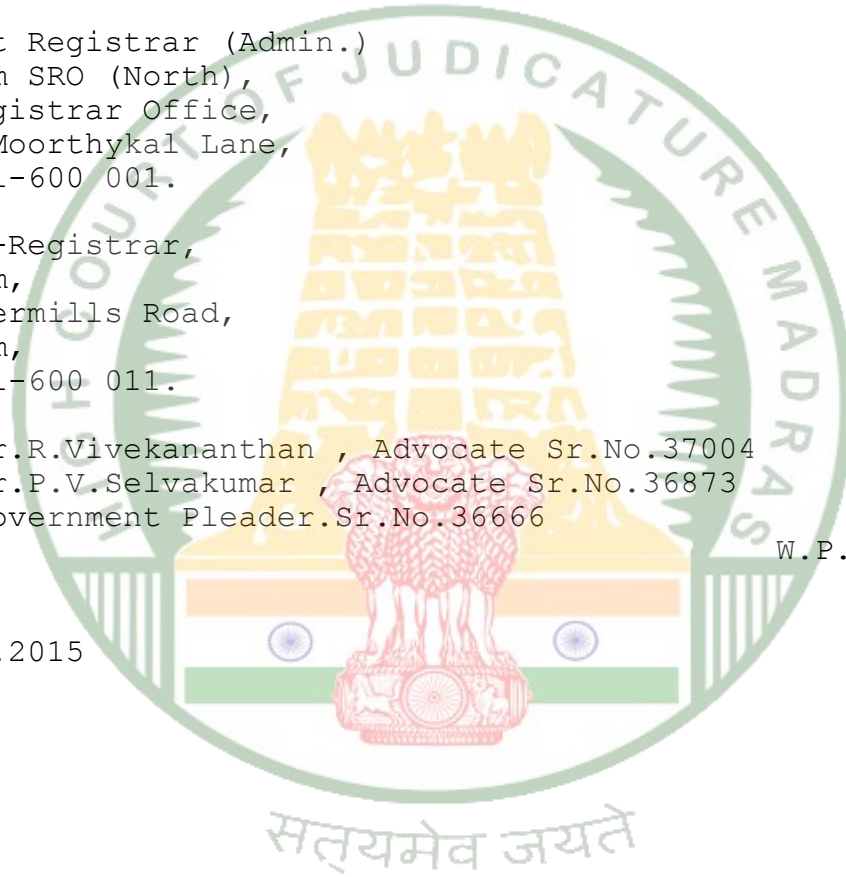
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1 cc to Mr.R.Vivekananthan , Advocate Sr.No.37004
1 cc to Mr.P.V.Selvakumar , Advocate Sr.No.36873
1 cc to Government Pleader.Sr.No.36666

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