

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.01.2015

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.Nos.895 and 896 of 2015
and
M.P.Nos.1 and 1 of 2015

M.Nagoor Pitchai ... Petitioner in W.P.No.
895 of 2015

M.Basheer Ahmed ... Petitioner in W.P.No.
896 of 2015

Versus

1.The Inspector General of Registration
No.100, Santhome High Road
Mylapore, Chennai 600 004.

2. The Sub Registrar
Office of the Sub Registrar
Adyar, Chennai-20.

3. The Joint Sub Registrar-I
North Chennai, Chennai.

4. The Revenue Officer
Corporation of Chennai
Zone 14, ECR Road
Kottivakkam, Chennai 600 041.

5. The Tahsildar
Shollinganallur Taluk Office
No.3, 1st Street, Kumaran Nagar
Rajeev Gandhi Salai
Shollinganallur, Chennai 600 119.

6. The Executive Engineer
Tamil Nadu Electricity Board
No.2, CSIR Road, Taramani
Next to Asendas
Chennai 600 113.

7. Rajendran

8. K.Ameer John

9. G.Ravi

.. Respondents in both
W.Ps.

Writ petitions filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the first respondent to hear and dispose of the complaint given by the petitioner on 05.11.2014 and 09.01.2015 within a time frame, and, pending investigation forbear the respondents 1 to 6 from giving effect to the documents styled as Powers of Attorney dated 31.07.2014 vide Doc.Nos.351 and 352 on the file of the third respondent and sale deed dated 05.12.2014 and registered on 22.12.2014 vide Doc.Nos.3028 and 3029 on the file of the 2nd respondent, by refraining from effecting further registrations of documents in relation to the property in Plot No.294, Nehru Nagar in S.No.317/102B, and Plot No.293, Nehru Nagar in S.No.317/102A Kottivakkam Village, or by mutation of revenue records, providing any electricity connection, or entertaining any other form of transaction whatsoever based on the impugned documents in favour of respondents 7 to 9 respectively.

For Petitioner : Mrs.Chitra Sampath
in both W.Ps. Senior counsel for
Mr.T.S.Baskaran

For Respondents : Mr.V.Jayaprakash Narayanan
in both W.Ps. Special Government Pleader

COMMON ORDER

Heard Mrs.Chitra Sampath, learned Senior Counsel assisted by Mr.T.S.Baskaran, for the petitioners and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents and with the consent of either side, the writ petition itself is taken up for disposal at the admission stage.

2. The petitioner seeks for a direction upon the first respondent to hear and dispose of the complaints given by the petitioners dated 05.11.2014 and 09.01.2015 within a time frame and pending investigation forbear the respondents 1 to 6 from giving effect to the documents, which is said to be a Power of Attorney dated 31.07.2014 registered as document Nos.351 and 352 of 2014 on the file of the third respondent and the consequential sale deeds executed in favour of the respondents 8 and 9 and to forbear the second respondent, viz., the Sub Registrar, Adyar, Chennai-20 from entertaining any document for registration in respect of the property in question.

3. According to the petitioners, fraud has been played and the seventh respondent has created a Power of Attorney and based on that, transactions have been done in favour of the respondents 8 and 9. When the petitioners came to know about the illegal Power of Attorney's having been created in their names, they gave objection to the first respondent as well as to the Commissioner of Police, Chennai on 15.10.2014. Further a request was made to the Inspector General of Registration to direct the Sub Registrar, Adyar not to entertain any documents. In spite of that the seventh respondent has executed the sale deeds in favour of the eighth and ninth respondents. Therefore, the petitioners have submitted a fresh complaint on 09.01.2015 to the first respondent and since no action has been taken, the petitioners are before this Court.

4. Since the writ petitions are disposed of without notice to respondents 7 to 9, merits of the allegations made in the affidavit filed in support of the writ petitions are not gone into by this Court. The Inspector General of Registration has earlier issued a Circular in Circular No.67 directing the District Registrar of the concerned area to enquire into the case of impersonation, fraud or fabrications done in respect of the documents presented for registration and the District Registrar is empowered to conduct an enquiry and to examine as to the genuineness of such transactions. The Madurai Bench of this Court has upheld the validity of the said Circular No.67 and by virtue of the same, the District Registrar is empowered to enquire into the allegations now raised by the petitioners. Inasmuch as the petitioners have submitted their complaints/representations to the first respondent with copies marked to the Sub Registrar, the first respondent is directed to place the complaints/representations submitted by the petitioners dated 05.11.2014 and 09.01.2015 before the District Registrar of the concerned area with a direction to enquire into the matter after issuing notice to all persons concerned, who are likely to be aggrieved.

5. Accordingly, both these writ petitions are disposed of directing the first respondent to refer the complaints dated 05.11.2014 and 09.01.2015 submitted by the petitioners to the District Registrar with further direction to the District Registrar to enquire into the matter, after giving an opportunity of hearing to the petitioners as well as respondents 7 to 9 and also any other persons, who are likely to be aggrieved, and pass reasoned order on

merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

vj2

To

1. The Inspector General of Registration
No.100, Santhome High Road
Mylapore, Chennai 600 004.
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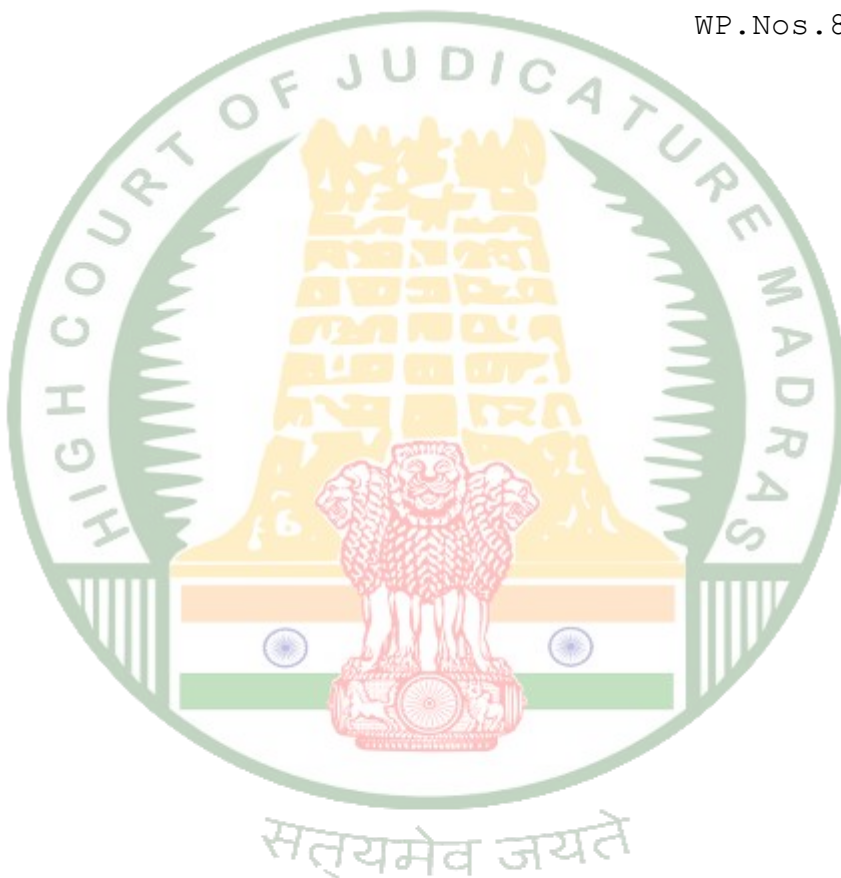
6. The Executive Engineer
Tamil Nadu Electricity Board
No.2, CSIR Road, Taramani
Next to Asendas
Chennai 600 113.

+2ccs to Mr.T.S.Baskaran, Advocate SR.No.2045, 2046

2 CC to the Government Pleader SR NO 2327, 2328

WP.Nos.895 & 896 of 2015

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