

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.10036 of 2016

1.K.Rajagopal
2.Mrs.R.Kantha

.. Petitioners

Vs.

1.The Inspector General of Registration,
No.120, Santhome High Road,
Chennai-600 028.

2.The District Registrar,
Krishnagiri District-635 001.

3.The Sub-Registrar,
Soolagiri Sub-Registration,
Hosur Taluk, Krishnagiri District.

4.Gopallappa
5.Krishnappa
6.Ramachandrappa
7.Gopalakrishna
8.Shankar
9.Narayanappa
10.Natesh
11.Sasikumar
12.Mrs.Santhamma
13.T.Papaiah
14.C.Anandhaiah
15.J.Srinivasan

.. Respondents

(RR11 and 12 amended as per order
17.06.2016 made in WMP.NO.13331 of 2016)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to cancel the forged documents created by respondents 4 to 15 and make appropriate entries in the relevant Registers, including Encumbrance Certificates, by considering the petitioners' complaint dated 23.04.2012, followed by their representation dated 18.02.2016 within a time frame.

For Petitioners : Mr.L.S.M.Hasan Fizal

For Respondents : Mr.R.Govindasamy
Special Government Pleader
Mrs.R.Poornima
for R6 to R15

O R D E R

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

2. The petitioners claim to be the absolute owners of immovable properties being agricultural lands comprised in:

(1) Paimash Nos.40, 41, 44, 45, 54, corresponding to Survey No.80/2, measuring 10 Acres 62 Cents, corresponding to Survey No.83/1 measuring 7 Acres 64 Cents, Survey No.83/2 measuring 47 Cents & Survey No.84/3 measuring 2 Acres 14 cents, Survey No.83/3, 83/4 thus measuring 37 cents.

(2) New Survey No.347/12, Natham Old Survey No.32, measuring 5 Cents together with the House thereon;

(3) Survey No.85/1, corresponding to Sub-Division Survey No.85/1B1B measuring 2 Acres 10 Cents & Sub-Division Survey No.85/1B3 measuring 83 Cents.

Totaling 13 Acres 23 Cents in Nallaganakoththapalli Group, Koneripalli Village, Hosur Taluk, Krishnagiri District."

The petitioners would further state that 'A' Register also reflects Patta bearing Nos.1367, 1368, 1410, Chitta, Adangal and Kist issued in their names in respect of land and superstructure. According to the petitioners, the respondents 4 to 15 had created fabricated and forged document in respect of the land and made attempts to dispossess them and in this regard, a police complaint was also lodged, based on which a case in Cr.No.13/2015 was registered under Sections 341, 447, 465, 468, 471, 420 and 506(i) IPC read with Section 82 of the Registration Act, 1908 on the file of the District Crime Branch, Anti-Land Grabbing Special Cell and the investigation is pending. The petitioners had also approached the official respondents to cancel the documents in favour of the private respondents and since no orders has been passed, came forward with this writ petition.

3. The learned counsel appearing for the petitioners would submit that the private respondents with impunity had fabricated and forged the documents and therefore, the petitioner was constrained to approach the official respondents for cancellation of the same and prays for appropriate orders.

4. Mrs.R.Poornima, learned counsel accepts notice on behalf of the private respondents and would submit that a Civil Suit in O.S.No.40/2012 is pending on the file of the Court of Subordinate Judge, Hosur, filed by the private respondents 3 to 10 for

declaration that the sale deeds in favour of the petitioners herein are null and void and other consequential reliefs and in the light of the said proceedings, the petitioners are not entitled to any relief and prays for dismissal of this writ petition.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. Though the petitioners pray for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected either by the petitioners or by the private respondents, directs the second respondent to consider and dispose of the petitioners' representation dated 18.02.2016 in accordance with law, after putting on notice the petitioners and private respondents and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners as well as the private respondents.

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

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

jvm

To

1.The Inspector General of Registration,
No.120, Santhome High Road,
Chennai-600 028.

2.The District Registrar,
Krishnagiri District-635 001.

3.The Sub-Registrar,
Soolagiri Sub-Registration,
Hosur Taluk, Krishnagiri District.

2 ccs to Mr.L.S.M. Hasan Fizal, Advocate, Sr. 33641

1 cc to Mr.R. Poornima, Advocate, Sr. 33979

1 cc to Government Pleader, Sr. 33672

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BVR (CO)

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