

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.11711/2016 & WMP.No.10132/2016

Dr.N.Nagappan

..Petitioner

Versus

1.The Inspector General of Registration
Santhome High Road, Mylapore
Chennai 600004.

2.The District Registrar
Saidapet, Chennai 600 015.

3.The Joint Sub Registrar No.2,
Chennai South, Saidapet,
Chennai 600 015.

4.The Sub Registrar,
Kunrathur.

5.N.Nagappan

6.N.Kala

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents 1 and 2 herein to consider the petitioner's representation dated 08.02.2016 and cancel the Settlement Deed dated 10.01.2013 registered as Document No.326/2013 on the file of the 4th respondent herein executed by the 5th respondent in favour of the 6th respondent herein in respect of the property viz., two vacant house sites bearing Plot Nos.54 and 55 measuring a total extent of 4674 sq.ft., in Kamatchiamman Nagar, comprised in Survey No.71/2 in No.64, Madanandapuram Village, Sriperumbudur Taluk, Kancheepuram District.

For Petitioner : Mr.P.Prithvi Chopda for
Mr.A.S.Vijayaragavan

For R1 to R4 : Mr.K.Thangapandi, GA

ORDER

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

2 The petitioner would state that he is settled at Malaysia and his forefathers are from India and most of the relatives are still residing in India. The petitioner would further state that he purchased two vacant housing plots bearing Nos.54 and 55, admeasuring to an extent of 4674 sq.ft., in Kamatchiamman Nagar, in S.No.71/3, in No.64, Madanandapuram Village, Sriperumbudur Taluk, Kanchipuram District, vide registered Sale Deed bearing Document No.3809/1982 dated 17.11.1982, registered on the file of Joint Sub Registrar-II, Chennai South, Saidapet, Chennai. It is also stated by the petitioner that on the very same day, vide two registered Sale Deeds dated 17.11.1982 bearing Document Nos.3807 and 3808 of 1982, registered on the file of the very same Sub Registrar, the father of the petitioner had also purchased four vacant housing sites bearing Plot Nos.28, 29, 43 and 44 in Kamatchiamman Nagar in S.No.71/2, Madhanandapuram Village. The petitioner claims to be in possession of Plot Nos.54 and 55, admeasuring to the total extent of 4674 sq.ft., and as and when he visits Chennai, he would ensure that no encroachment is taking place. The petitioner, on one such visit to Chennai during June 2015, found that a compound wall is being put up in the said plots at the instance of some unknown persons. At the intervention of the petitioner, they abandoned the plots. The petitioner came to know that some attempt are being made by some unknown persons to encroach upon his properties and he had applied for Encumbrance to the office of the Joint Sub Registrar-II, Chennai, and to his shock and surprise, he came to know that there was an entry relating to the Settlement Deed dated 10.01.2013 bearing document No.326/2013 on the file of the Sub Registrar, Kundrathur, having been executed by one Nagappan and not by the petitioner in favour of one Kala. It is the claim of the petitioner that some fictitious person, using the name of the petitioner, has got the said Settlement Deed registered. In this regard, the petitioner has also given a complaint to the Commissioner of Police, Chennai City on 09.10.2015 followed by a representation dated 08.02.2016 to the 1st respondent and since no orders have been passed, he came forward to file the present writ petition.

3 Mr.Ar.L.Sundaresan, learned Senior Counsel appearing for the petitioner would submit that despite the forged and fabricated document in the form of the above said Settlement Deed, the petitioner is in actual possession of the plots in question. Therefore, in the light of the fraud committed by the private respondents, the petitioner prays for appropriate orders.

4 Heard the submissions of Mr.K.Thangapandi, learned Government Advocate who appears on behalf of the respondents 1 to 4.

5 A perusal of the order sheet would disclose that this Court, vide order dated 01.04.2016 has ordered notice to the respondents and as per the Cause List, in respect of respondents 5 and 6 "not known, intimation given" is printed. Though private notice was ordered, proof of service is yet to be filed.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the same, directs the 1st respondent or any officer authorised by him to consider and dispose of the petitioner's representation dated 08.02.2016 on merits and in accordance with law, after putting on notice the respondents 5 and 6 and pass orders 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 to the respondents 5 and 6.

7 The writ petition is disposed of with the above direction. No costs. The interim order granted by this Court, stands vacated and the miscellaneous petition is closed

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector General of Registration
Santhome High Road, Mylapore
Chennai 600004.

2.The District Registrar
Saidapet, Chennai 600 015.

3.The Joint Sub Registrar No.2,
Chennai South, Saidapet,
Chennai 600 015.

4.The Sub Registrar, Kunrathur.

+1cc to M/s. AL.Ganthimathi, Advocate, S.R.No.34081

GJ(CO)
EU(5/07/2016)