

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.1212 of 2016

A.Govindan

... Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.
 2. The District Registrar, (Administration),
South Chennai, Saidapet,
Chennai-600 015.
 3. The Sub-Registrar,
Office of the Sub-Registrar,
Velachery, Chennai-600 042.
- ... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 3rd Respondent to efface the Entries pertaining to the documents namely power of attorney dated 26.02.2014 registered as document No.1320/2014 and sale deed dated 27.02.2014 registered as document No.1337/2014 in the light of the circular No.67 of 2011 dated 03.11.2011.

For Petitioner : Mr.S.Sethuraman

For Respondents : Mrs.P.Rajalakshmi,
Government Advocate

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O R D E R

The petitioner has come forward with this Writ Petition seeking a Writ of Mandamus upon the 3rd respondent to efface the entries pertaining to the documents namely Power of Attorney dated 26.2.2014 and Sale Deed dated 27.2.2014 in the light of the circular No.67 of 2011 dated 03.11.2011.

2. It is the case of the petitioner that he purchased a Plot bearing No.43, V.G.P. Selva Nagar, Velacheri, Chennai-42 on 15.6.1978 vide document No.839 of 1978. Whiles, he came to know that in respect of the above property one R.Veeraragavan, by fabricating a power of attorney dated 26.2.2014, registered as Document No.1320 of 2014, as if the petitioner had executed Power of Attorney in his favour to sell the property belonging to petitioner, had executed a sale deed on 27.2.2014 under Document No.1337 of 2014 on the file of Sub Registrar Office, Velachery and sold the property in favour of one R.Sridhar Paul. Therefore the petitioner lodged a complaint before the 1st respondent viz., the Inspector General of Registration and requested to provide him an opportunity of hearing and to cancel the registration of Power of Attorney Deed dated 26.2.2014 and the sale deed dated 27.2.2014 on the file of Sub Registrar, Velachery and also to direct to delete such entries in all the registers concerned of the forged/fabricated documents.

3. Despite the same, since no action was taken, the petitioner preferred W.P.No.18382 of 2015 before this Court praying to direct the respondents to conduct an enquiry and cancel the above said documents in the light of Circular No.67 of 2011 dated 3.11.2011 and make an endorsement by way of a note of annulment in the relevant books. This Court, by order dated 25.6.2015, directed the respondents herein to consider the representation made by the petitioner with regard to cancellation of documents after giving opportunity to all the parties concerned. In pursuance of the above order, the 2nd respondent, after conducting an enquiry, passed an order on 7.10.2015 declaring that the power of attorney dated 26.2.2014 and sale deed dated 27.2.2014 as fabricated documents and further directed the 3rd respondent to register a complaint in terms of Section 83 of the Indian Registration Act. On receipt of the said order, the petitioner made a representation on 3.11.2015 to the 3rd respondent viz, Sub Registrar, Velachery requesting him to make necessary entries in Index II and delete the entries of Power and Sale deed from the record as forged and fraudulent ones. He has also brought to the notice of the 3rd respondent that the Circular No.67 dated 3.11.2011 issued by the 1st respondent to the effect that once the Registrar passed an order declaring that a document is a fabricated one, the Sub Registrar shall make necessary entries in the Index-2 and delete the entries pertaining to that fabricated documents.

4. It is the grievance of the petitioner that despite the same, as the 3rd respondent has not taken any steps with regard to the deletion of entries, the petitioner has filed the present writ petition.

5. Learned counsel for the petitioner submitted that the respondent ought to have cancelled the fabricated documents viz., Power of Attorney and Sale deed in the light of the order dated 7.10.2015 passed by the 2nd respondent in terms of the Circular No.67 of 2011 dated 3.11.2011 which prescribes that the District Registrar should deal with the fraudulent act by making proper enquiry and cancel the Registration. He would further submit that once the documents are declared as fabricated, the consequential action of deleting the entries pertaining to the fabricated documents has to be effected. Hence the inaction on the part of the 3rd respondent in not taking steps with regard to the deletion of the entries is bad in law. Thus he prayed for allowing of this Writ Petition.

6. I have considered the submissions made on either side and perused the materials available on record.

7. In view of the submissions made, this Court directs the 3rd respondent to consider the representation of the petitioner dated 3.11.2015 and pass appropriate orders with regard to delete the entries pertaining to the documents viz., Power of Attorney dated 26.2.2014 and Sale Deed dated 27.2.2014 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msr

To

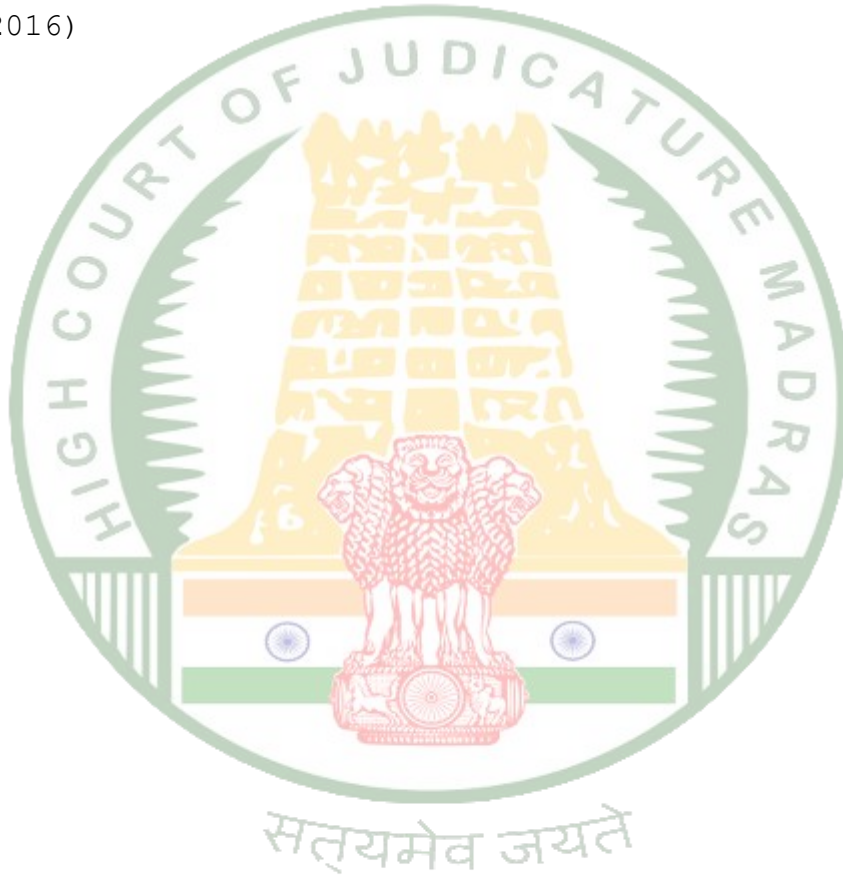
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3. The Sub-Registrar,
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Velachery, Chennai-600 042.

+1cc to Mr.S.Sethuraman, Advocate, S.R.No.9749
+1cc to the Government Pleader, S.R.No.9607

W.P.No.1212 of 2016

KGK(CO)
CA(13/04/2016)



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