

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.14717 of 2016

WMP.No.12863 of 2016

M/s.Chennai Power Generation Limited
Having its registered office at New No.10,
1st Street, Gopalapuram,
Chennai-600 086.
Rep by its President-Technical, Justin Paul. ... Petitioner

Vs.

- 1.The Inspector General of Registration,
Santhome, Chennai-600 028.
- 2.The District Registrar (Administration)
Chennai South, Saidapet,
Chennai-600 015.
- 3.The Sub-Registrar,
Taluk Officer Road, Ponneri,
Chennai-600 204.
- 4.The Sub-Registrar,
Rajeshwari Nagar, Virugambakkam,
Chennai-600 092.

5.P.Sasi Kumar

6.M/s.SSN Prop Tech Inc.

Flat No.5, Murali Anand Apartments,
New No.10, East Street,
Raghavan Reddy Colony, Ashok Nagar,
Chennai-600 083,

Rep by Managing Director, P.Sasi Kumar

.. Respondents

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 4 to consider the petitioner's
complaints dated 25.01.2016 and 02.03.2016 and take action in
accordance with Circular No.67 of 2011 dated 03.11.2011

(C.No.52338/C1/2011) issued by the first Respondent.

For Petitioner : Mr.V.Prakash, Senior Counsel
for M/s.Vineet Subramani

For Respondents : Mr.R.Vijayakumar
Additional Govt. Pleader for R1 to R4

O R D E R

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

2. The petitioner would state that it is engaged in the business of establishing power plants and to generate, harness, develop, accumulate, distribute and supply electricity by setting up power plants and it is a 100% subsidiary of a company registered under the laws of Luxembourg, viz., General Meditteranean Holdings, SA, SPF (officially abbreviated as GMH SA, SPF). It is further stated by the petitioner that it purchased a property admeasuring a total extent of 55.78 cents at Kattupalli and Kalanji Villages, Ponneri Taluk, Tiruvallur District in the year 2006 to establish a 1000 MW coal-based power plant. The petitioner would further state that it is the absolute owner of the said property and is in possession and patta has also been issued in favour of the petitioner. During the year 2015, it was brought to the knowledge of the petitioner that some unknown persons are attempting to sell the property belonging to the petitioner and on enquiry, it came to know that the fifth respondent, acting through the sixth respondent, is making attempts to sell the petitioner's property as the Power Agent of the petitioner's holding company GMH SA, SPF. The petitioner, immediately on suspicion, applied for Encumbrance Certificate, however to his shock and surprise found that there were two Powers of Attorney, identified as Adjudication Nos.173 and 174 of 2015 on the file of the fourth respondent, allegedly executed by one David Stepan and according to the petitioner, there is no person by name David Stepan associated with the said Company either in the position as Chairman or Executive Director from inception till date. The petitioner, in this regard, has also approached the official respondents who registered documents pertaining to the said survey numbers for the reason that some fictitious persons have created documents to make unlawful gain. The petitioner had also lodged a police complaint and since F.I.R. was not registered, had approached this Court by filing Crl.O.P.No.18442 of 2015 praying for a direction to register an F.I.R and this Court had directed the jurisdictional police to register a case based on the complaint given by the petitioner. The grievance expressed by the petitioner is that despite this fact was brought to the

knowledge of the respondents in the form of representations dated 25.01.2016 and 02.03.2016, no action whatsoever has been taken by the respondents and therefore, the petitioner has been constrained to approach this Court with this writ petition.

3. This Court, vide order dated 21.04.2016 has granted an interim order of Status Quo as exists on that day.

4. Mr.V.Prakash, learned Senior Counsel appearing for the petitioner would submit that the first respondent, in letter No.3487/U2/2016 dated 15.02.2016, has directed the second respondent to take note of the Inspector General of Registration letter No.6/1GR/2013 dated 30.01.2013 and conduct proper enquiry in respect of the petitioner's representation dated 25.01.2016 and despite that, the second respondent did not proceed further and therefore, prays for appropriate orders.

5. Heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 4. In respect of notice sent to the fifth respondent, it is stated in the Cause List as "Address could not be traced" and in respect of the sixth respondent it is stated as "Door Locked". It is the submission of the learned Senior Counsel appearing for the petitioner that the private respondents are fictitious persons and therefore, they need not be served and prays for appropriate orders.

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

7. Though the petitioner has prayed for larger relief, 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 second respondent to take note of the first respondent letter No.3487/U2/2016 dated 15.02.2016 and also take note of the Circular No.67/2011 (C.No.52338/C1/2011) dated 03.11.2011 and consider and dispose of the petitioner's representations dated 25.01.2016 and 02.03.2016 on merits and in accordance with law, after affording an opportunity of personal hearing to the Authorized Representative of the petitioner 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 the private respondents.

8. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jvm

To

1.The Inspector General of Registration,
Santhome, Chennai-600 028.

2.The District Registrar (Administration)
Chennai South, Saidapet,
Chennai-600 015.

3.The Sub-Registrar,
Taluk Officer Road, Ponneri,
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4.The Sub-Registrar,
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Chennai-600 092.

+1 cc to Government Pleader sr.35529

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