

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15751 of 2016

P.Subramaniam

... Petitioner

vs.

1.The Inspector General of
Registration,
No.100, Santhome High Road,
Chennai-28.

2.The District Registrar,
Chennai South,
No.9, Jeenis Road,
Saidapet, Chennai-15.

3.The Sub Registrar,
Padappai,
Kancheepuram District.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent authorities to take action on the representations dated 30.11.2015, 18.1.2016 and 3.2.2016 submitted by the petitioner for nullification of all documents which are registered over the petitioner's property covered in Patta No.624 and delete such entries from the encumbrance register by conducting due enquiry as contemplated under Circular No.67 dated 3.11.2011 issued by the first respondent within a time to be fixed by this Court.

For Petitioner : Mr.S.Thanka Sivan

For Respondents : Mr.P.Karthikeyan,
Govt. Advocate.

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondent authorities to take action on the representations dated 30.11.2015, 18.1.2016 and 3.2.2016 submitted by the petitioner for nullification of all documents which are registered over the petitioner's property covered in Patta No.624 and delete such entries from the encumbrance register by conducting due enquiry as contemplated under Circular No.67 dated 3.11.2011 issued by the first respondent within a time to be fixed by this Court.

3. The case of the petitioner, in brief, is as follows:-

(a) The petitioner purchased a plot in plot No.99 measuring to an extent of 1625 sq.ft. and plot No.100 measuring to an extent of 1560 sq.ft. and Plot No.101 measuring to an extent of 1635 sq.ft. in Sree Lakshmi Nagar Extension lay out, situated in No.85, Manimangalam Village, Sriperumbudur Taluk, Kancheepuram District under a sale deed dated 9.12.2010 registered as document No.6521 of 2010 in the office of the Sub Registrar, Padappai, from one P.Arumugam.

(b) He has also purchased another plot in plot No.102 measuring to an extent of 1680 sq.ft. and plot No.103 measuring to an extent of 1725 sq.ft. in Sree Lakshmi Nagar Extension lay out, situated in No.85, Manimangalam Village, Sriperumbudur Taluk, Kancheepuram District under a sale deed dated 15.9.1991 registered as document No.4900 of 1991 in the office of the Sub Registrar, Padappai, from one Dinesh Chandra Agarwal.

(c) The petitioner has also purchased another plot in plot No.104 measuring to an extent of 1770 sq.ft. and plot No.105 measuring to an extent of 2531 sq.ft. and Plot No.106 measuring to an extent of 2750 sq.ft. in Sree Lakshmi Nagar Extension lay out, situated in No.85, Manimangalam Village, Sriperumbudur Taluk, Kancheepuram District under a sale deed dated 1.8.1991 registered as document No.4013 of 1991 in the office of the Sub Registrar, Padappai, from one Dinesh Chandra Agarwal and Saradha Devi Agarwal.

(d) After purchase of the said properties, the petitioner approached the Tahsildar, Sriperumbudur for mutation of revenue records in his name. The Tahsildar, Sriperumbudur has also

issued patta bearing No.624 in his favour. Further, chitta and adangal in respect of the above properties also stand in his name.

(e) Since the said properties are lying vacant, the petitioner approached the revenue authorities requesting them to measure his lands and fix the boundaries. Since his request was not considered, he filed a writ petition before this Court in W.P.No.30740 of 2014 and this Court, by order dated 25.11.2014, directed the revenue authorities to act upon his representation and to measure and survey his lands.

(f) While so, he came to understand that in his absence in India, some third persons by creating fake documents, sold his lands to some other persons. After coming to know about the same, immediately, he submitted a representation dated 30.11.2015 to the respondents to take immediate action for cancellation of fake documents registered by the third parties. In his representation, he has specifically sought for cancellation of such fake documents in consonance with Circular No.67 issued by the first respondent. Though the petitioner has made repeated representations dated 30.11.2015, 18.1.2016 and 3.2.2016, seeking deletion and to nullify fake documents, the respondents have failed to act upon the same. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. Learned counsel appearing for the petitioner submitted that as per Circular No.67 dated 3.11.2011 bearing C.No.52338/ C1/2011 issued by the first respondent, whenever a complaint regarding fraudulent registration is received, the same has to be forwarded to the second respondent and the second respondent shall conduct an enquiry by summary procedure and shall complete the same within a maximum period of two months. Despite the same, the respondents 2 and 3 have not chosen to institute any proceedings till date. Hence, he seeks a direction to the respondent authorities to take action on the representations dated 30.11.2015, 18.1.2016 and 3.2.2016 submitted by the petitioner to nullify all documents which are registered over the petitioner's property covered in Patta No.624 and delete such entries from the encumbrance register by conducting due enquiry as contemplated under Circular No.67 dated 3.11.2011 issued by the first respondent within a time to be fixed by this Court.

5. I have also heard the learned Government Advocate, who has taken notice on behalf of the respondents.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court

directs the second respondent to conduct an enquiry on the representation made by the petitioner dated 3.2.2016, by affording an opportunity of personal hearing to the petitioner as well as to the other necessary parties, if any, and pass appropriate orders / take appropriate action, on merits and in accordance with law and in the light of Circular No.67 dated 3.11.2011 in C.No.52338/ C1/2011, within a period of 12 weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to merits of the claim projected by the petitioner and it is for the second respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

sbi

To

1.The Inspector General of
Registration,
No.100, Santhome High Road,
Chennai-28.

2.The District Registrar,
Chennai South,
No.9, Jeenias Road,
Saidapet, Chennai-15.

3.The Sub Registrar,
Padappai,
Kancheepuram District.

1 cc to Mr.S. Thengasivam, Advocate, SR. 26597

1 cc to Government Pleader, Sr. 26786

W.P.No.15751 of 2016

RSY (CO)

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