

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.32979 of 2015

R.Suresh

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road, Mylapore,
Chennai-4.

2.The District Registrar (Administration),
Registration Department,
Saidapet, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to hold and conduct enquiry ad pass order on the complaint/representation dated 03.08.2015 given by the petitioner to annul the documents viz., 1)Deed of Power of Attorney in Doc.No.1774/2007 dated 04.07.2007 on the file of the Sub-Registrar, Velachery in respect of 2400 sq.ft and 2)Sale Deed in Doc.No.282/2008, dated 28.01.2008 on the file of the Sub-Registrar, Neelankarai in respect of 2400 sq.ft in Plot No.236 in Alamelumangapuram Colony Part I situated in Punja S.F.No.738/2 & 738/3, Sholinganallur Village, based on the Circular No.67, dated 03.11.2011 issued by the 1st respondent.

For Petitioner : Mr.Palani Selvaraj

For respondents : Mr.V.Jayapraksh Narayanan, Spl. GP

ORDER

This writ petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to hold and conduct enquiry and pass order on the complaint/representation dated 03.08.2015 given by the petitioner to annul the documents viz., 1)Deed of Power of Attorney in Doc.No.1774/2007 dated 04.07.2007 on the file of the Sub-Registrar, Velachery in respect of 2400 sq.ft and 2)Sale Deed in Doc.No.282/2008, dated 28.01.2008 on the file of the Sub-Registrar, Neelankarai in respect of 2400 sq.ft in Plot No.236 in Alamelumangapuram Colony, Part I, situated in Punja

S.F.No.738/2 & 738/3, Sholinganallur Village, based on the Circular No.67, dated 03.11.2011 issued by the 1st respondent.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner, inter alia, as follows:-

2-1.One R.Gajalakshmi W/o.K.P.Ramalingam owned a housing plot measuring to an extent of 2400 sq.ft in Plot No.236 in Alamelumangapuram Colony Part I situated in Punja SF.No.738/2 & 738/3, Sholinganallur Village. The said housing plot was purchased by her in the year 1973 from one Neelaganda Iyer through a valid Sale Deed registered in Doc.No.163/1973 dated 10.01.1973 on the file of the Sub-registrar Office, Saidapet. Her husband Thiru.Ramalingam is a retired postman and out of his hard earned money, he purchased the housing plot in his wife's name and it was in their possession and enjoyment from the year 1973. Due to his family situation, the said Gajalakshmi decided to sell the said housing plot for a valid consideration; hence, a Deed of General Power of Attorney was executed in favour of their family friend K.Vasudevan S/o.K.Kesavan, which was registered as Doc.No.3126/2013, dated 04.10.2013 on the file of the Sub-Registrar Office, Royapuram. Since the property is situated within the registration of Neelangarai Sub-Registration District, by keeping the said Deed of Power of Attorney as pending document, the Royapuram Sub-Registrar vide proceedings dated 08.10.2013 asked the Neelangarai Sub-Registrar as to whether the subject plot is a Government Poromboke, Temple Land or whether it suffers from any stay order and Court proceedings. After getting clearance from the Neelangarai Sub-Registrar to the effect that the subject plot does not suffer from any Court proceedings, the said Deed of General Power of Attorney was registered.

2-2.Pursuant to the said Deed of Power Agent, the said Power Holder K.Vasudevan executed a Sale Deed in favour of the petitioner which was registered as Doc.No.5457/2015, dated 15.07.2015 on the file of the Neelangarai Sub-Registrar Office and thus, the petitioner became the absolute owner of the subject plot.

2-3.While so, from the Encumbrance Certificate, the petitioner was shocked to know that the property was registered in the name of one Tmt.S.Jayanthi. Subsequently, on getting the copies of the relevant documents from the Sub-Registrar Office, Velacheri, the petitioner came to know that as early as in the year 2007, by impersonating and misusing the name and address of the real and genuine title holder Mrs.R.Gajalakshmi, one unknown person posing herself as the original owner R.Gajalakshmi, identified with ration Card No.1/N/0007895, executed a Deed of Power of Attorney in favour

of one V.Manoharan S/o.D.Vasu, which was registered as Doc.No.1774/2007 on the file of the Sub-Registrar, Velacheri. From the said fraudulent Deed of Power of Attorney, it is seen that the witnesses are also unknown miscreants. Through the said fraudulent Deed of Power of Attorney, the said so called power holder Manoharan, in turn, has sold the property to one Tmt.S.Jayanthi W/o.Srihari, which has been registered as Doc.No.282/2008 on the file of the Sub-Registrar, Neelangarai. Hence, the petitioner has given a complaint/representation dated 03.08.2015 to the 2nd respondent to annul the said fraudulent documents by exercising the powers conferred under Section 82 of the Registration Act, 1908 r/w Circular No.67 dated 03.11.2011 issued by the 1st respondent. Since the petitioner's representation was not considered by the respondents, the petitioner has come forward with the present writ petition before this Court.

3.Heard both sides and perused the materials available on record.

4.Considering the facts and circumstances of the case, without expressing any opinion on the claims made by the parties, this Court directs the 2nd respondent to consider the representation dated 03.08.2015 given by the petitioner, as per the Circular No.67, dated 03.11.2011, issued by the Inspector General of Registration, and pass appropriate orders, after affording an opportunity of personal hearing to the petitioner as well as to the opposite parties viz., 1)R.Gajalakshmi, 2) V.Manoharan, 3)Tmt.Jayanthiall and also to other necessary parties, if any, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

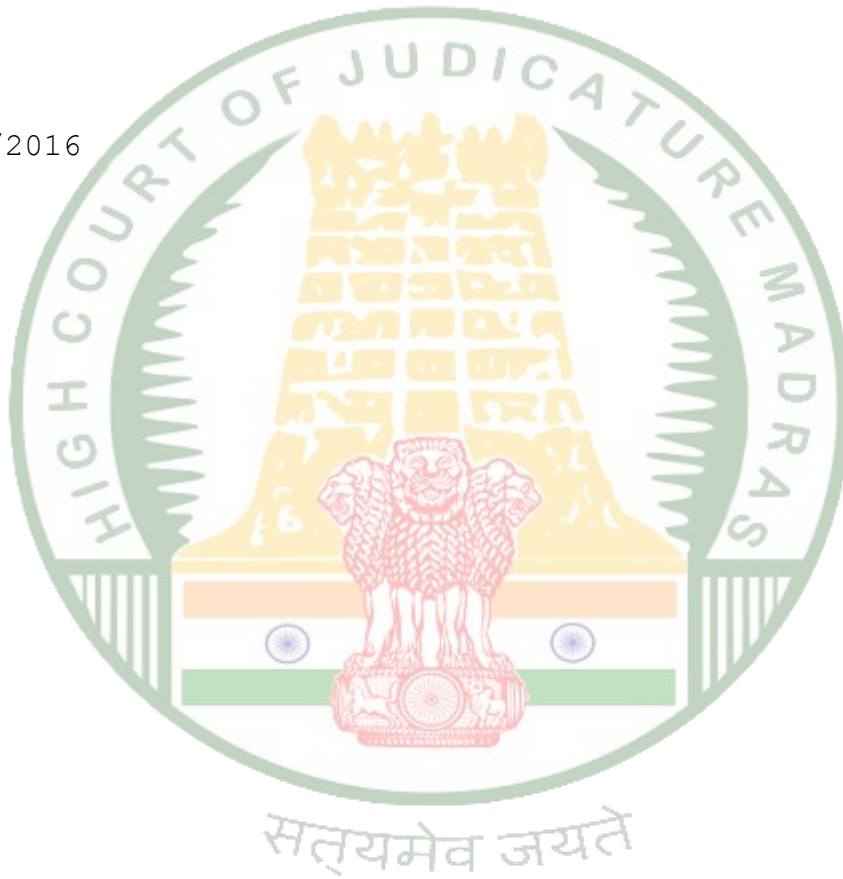
1.The Inspector General of Registration,
Santhome High Road, Mylapore,
Chennai-4.

2.The District Registrar (Administration),
Registration Department,
Saidapet, Chennai.

+1cc to Mr.Palaniselvaraj, Advocate sr.25085
+1cc to the Government Pleader sr.25376

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srg 27/05/2016



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