

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2016

CORAM

THE HON'BLE Mr. JUSTICE M.SATHYANARAYANAN

W.P.No.43033 of 2016

and

W.M.P.No.36881 of 2016

Dr.(Mrs.)Anbuchelvi Appulingam
W/o Mr.Appulingam,
rep. by its Power Agent,
Mr.G.Maikandan,
S/o Thiru.Aa.Sa.Gnanasambandan,
No.50, 6th Street, Thoriapakkam,
Chennai - 600 096 ...Petitioner

-Vs-

1. The Inspector General of Registration,
Department of Registration,
Government of Tamilnadu,
No.100, Santhome High Road,
Chennai - 600 004.
2. The District Registrar, (Admin),
District Registrar Office,
South Chennai,
Chennai - 600 015.
3. The Joint - I, Sub Registrar,
South Chennai,
Chennai - 600 015.
4. M.Muneeswaran ...Respondents

Writ petition is filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to recall for the records of the impugned proceedings with Ref:567/B3/2015 dated 20.01.2015 on the file of the second Respondent and quash the same as untenable in law and on facts and consequentially direct the respondents to take all further steps for investigating into the complaint dated 09.01.2015 in respect of the fraudulent sale Deed dated 21.08.2006, registered as Doc.No.6090/2006 on the file of the third respondent and annul the said document, in terms of Circular No.67 issued by the second Respondent.

For Petitioner : Mr.Om Prakash
for M/s. Ramalingam and Associates

For Respondents: Mr.R.Rajeswaran, Spl.Govt.Pleader

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.R.Rajeswaran, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.

2. The petitioner claims to be the Power of Attorney of his sister Dr.Mrs.Anbuchelvi Appulingam, who is a permanent resident of United States of America. According to him, a vacant house site measuring an extent of 2100 sq.ft. bearing Plot No.64, Thiru-Vi-Ka Public Servant Welfare House Society, Pallikaranai, Chennai, comprised in Survey No.693/2 was originally owned and possessed by one Mr.C.Purushothaman and based on various acts in the form of sale deeds and through a power of attorney namely, Mrs. Dharani Kumari, acting on behalf of the Principal, B.Sivakumar, a sale deed was executed on 06.07.2016 in favour of the petitioner's sister which was registered as Document No.4947 of 2006 on the file of the District Registrar, Madras South. The 4th respondent claims to be the owner of the plot and have put up a shed and on further investigation, it came to the knowledge of the petitioner that a sale deed dated 21.08.2006 registered in the name of M.Muneeswaran/ 4th respondent as document No.6090 of 2006 on the file of Joint-I, Sub Registrar Office, Saidapet, has not been executed by the original owner Purushothaman. The petitioner, in this regard has also lodged a complaint on the file of the Central Crime Branch and based on which, a case in Crime No.163/2015 was registered against the 4th respondent who is alleged to have impersonated as C.Purushothaman for the offence under Sections 419, 420, 465, 467, 468, 471, 448 r/w 120(b) of IPC and the investigation is pending. The petitioner, simultaneously submitted a representation to the 3rd respondent for the cancellation of the said document and vide impugned communication dated 20.01.2015, it was informed that the circular of the Inspector General of Registration bearing No.67/C1/2011 dated 03.11.2011 is the subject matter of stay.

2. Mr.Om Prakash, learned counsel appearing for the petitioner has drawn the attention of this Court to the judgment reported in 2014(4) CTC 627 Ramasamy vs. State of Tamilnadu and would submit that though a challenge has been made to the said order, as on today, no interim order is in operation. He further invited the attention of the Court to the order dated 16.04.2015 made in W.P.No.10904 of 2015 and would submit that in similar

facts and circumstances, this Court has directed the concerned District Registrar to act on the circular and therefore, prays for appropriate orders.

3. This Court heard the submission of Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents 1 to 3 also.

4. It is also brought to the knowledge of the Court that no interim order is in operation in respect of the above cited decision and as such, there cannot be any impediment on the part of the 2nd respondent to proceed further in the light of the circular of Inspector General of Registration dated 03.11.2011.

5. In the result the writ petition is partly allowed. The impugned order of the 2nd respondent dated 20.01.2015 in Ref.No.567/B3/2015 is set aside. The matter is once again remanded back to the 3rd respondent for consideration in accordance with the circular of the Inspector General of Registration bearing No.67/C1/2011 dated 03.11.2011. The 2nd respondent is directed to complete the said exercise after putting on notice to the 4th respondent and pass appropriate orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as the 4th respondent. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Inspector General of Registration,
Department of Registration,
Government of Tamilnadu,
No.100, Santhome High Road,
Chennai - 600 004.

2. The District Registrar, (Admin),
District Registrar Office,
South Chennai,
Chennai - 600 015.

3. The Joint - I, Sub Registrar,
South Chennai, Chennai - 600 015.

+2cc to M/S.Ramalingam & Associates Advocate Sr.72723

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