

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4940 of 2016

M.Chelladurai

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o.Inspector General of Registration,
Santhome High Road,
Fore Shore Estate,
Chennai-600 028.

2.The District Registrar (Admin),
O/o.Sub-Registrar Office,
No.9, Jenis Road,
Saidapet, Chennai-600 015.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents to consider and dispose of the representation, dated 12.09.2015 and the reply of the 1st respondent under Ref.No.41762/U2/2015, dated 05.10.2015 to cancel the Sale Deed Doc.No.1963/2005 on the file of the Sub-Registrar, Pallavaram, Chennai.

For Petitioner : Mr.S.Xavier Felix

For respondents : Mr.P.Sanjay Gandhi, AGP

ORDER

This writ petition has been filed by the petitioner praying for issuance of a writ of mandamus directing the respondents to consider and dispose of the representation, dated 12.09.2015 and the reply of the 1st respondent under Ref.No.41762/U2/2015, dated 05.10.2015 to cancel the Sale Deed Doc.No.1963/2005 on the file of the Sub-Registrar, Pallavaram, Chennai.

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

2-1.The petitioner and one Maragadavalli, S.Natarajan, S.Nesakumar and P.S.Ganesan are the bona fide purchasers of the land measuring to an extent of 51 cents and they purchased the said land on 15.07.1998 from the original vendors in title namely one Egavalli Ammal and Jaffar Ali and Devasagayam respectively under Registered Sale Deeds. From the date of purchase, the petitioner and the said four others are in absolute possession and enjoyment of the same.

2-2.While so, the petitioner subsequently came to know that one Ramamurthy, Ranganathan, Anbuchezhian, Rohini, Chandrasekara Raja, Loganathan and one Padmanaban were under the investigation being conducted by the Inspector of Police, CCB, XIX Team, Land Grabbing Wing, in connection with the land grabbing case on the allegation that they have created fictitious and forged documents, by impersonating the vendor of the petitioner viz., Jaffar Ali. In fact, the said Jaffar Ali died on 30.11.2003. The said accused persons have committed the offence of impersonation and falsification of records, with the connivance of one Ranganathan and Ramamurthy with a view to enrich themselves by wrongful gain, by causing loss to the bona fide purchasers. The said accused persons have created a sale deed vide Doc.o.1963 of 2005, dated 25.04.2005, registered on the file of the Sub-Registrar Office, Pallavaram, by impersonating the petitioner's vendor Jaffar Ali. In this regard, on 19.02.2007, the petitioner lodged a complaint before the Commissioner of Police, Chennai, against the said Ranganathan, Anbuchezhian, Rohini and Chandarsekar Raja and the same was registered in Crime No.700 of 2007 under Sections 467, 468, 471 & 420 r/w Section 34 IPC.

2-3.It is further stated by the petitioner that the petitioner took various efforts to cancel the Sale Deed created by the above said accused persons. In this regard, the petitioner has given a detailed representation dated 12.09.2015 to the respondents 1 & 2 enclosing 12 documents, requesting to cancel the sale deed created by the above said accused persons. The 1st respondent vide his letter dated 05.10.2015, forwarded the petitioner's representation to the 2nd respondent to initiate appropriate further action. Since no action has been taken on the petitioner's representation, the petitioner has come forward with the present writ petition before this Court.

3.Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader and perused the materials available on record.

4.Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the claim made by the petitioner, this Court directs the 2nd respondent to consider the representation dated 12.09.2015 given by the petitioner and to dispose of the same, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector General of Registration,
O/o.Inspector General of Registration,
Santhome High Road,
Fore Shore Estate,
Chennai-600 028.

2.The District Registrar (Admin),
O/o.Sub-Registrar Office,
No.9, Jenis Road,
Saidapet, Chennai-600 015.

+1cc to Mr.S.XavierFelix, Advocate, S.R.No.8682
+1cc to the Government Pleader, S.R.No.9127

W.P.No.4940 of 2016

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sr(CO)
srg(12/02/2016)