

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5135 of 2016

Saburama

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Fort St.George, Chennai-600 009.
2. The District Registrar,
Sub-Registrar Office Buildings,
No.9, Jeenis Road, Saidapet,
Chennai-600 015.
3. Mr.Megavannan
4. Mr.Jayachandran
5. Mrs.Keppu Lakshmi

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to act on the petitioner's representation, dated 12.01.2015 for necessary and appropriate action and dispose of the representation within a time frame that may be fixed by this Court.

For Petitioner : Mr.R.Amizhdhu

For Respondents : Mr.R.A.S.Senthilvel, Addl.G.P.
for RR-1 & 2

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to act on the petitioner's representation, dated 12.01.2015 for necessary and appropriate action and dispose of the representation within a time frame that may be fixed by this Court.

2. In the affidavit filed in support of the Writ Petition, it is averred by the petitioner that she is the absolute owner of the property bearing Door No.15, MKN First Lane, Alandur, Chennai-16, comprised in Old S.No.119/7, T.S.No.13 part, Ward No.G, Block 7, measuring an extent of 1146.75 Sq.Ft, as per actual measurement 1150.5 Sq.Ft., along with a superstructure therein and the said property was purchased from Mrs.Zubbaida Khanam, wife of Mr.Habibullah Baig, under a registered sale deed, dated 29.10.2014 in Document No.4336 of 2014 on the file of the SRO, Alandur. Subsequent to the above purchase, the petitioner mutated the Revenue Records in her name. It is her further case that the Corporation records are in her name and she paid the latest property tax and water charges and the three electricity connections in the said property, are in her name. The petitioner's vendor Zubbaida Khanam acquired right and title to the said property under a Release Deed, dated 21.10.2014 in Document No.4254 of 2014 executed by her sister A.Zeenat Khanam. Originally, the said property was purchased by Mrs.Fathimabi, mother of Zubbaida Khanam and A.Zeenat Khanam under sale deed, dated 02-03-1948, vide Document No.528 of 1948 and after the demise of Mrs.Fathimabi on 19.8.1977, the property was inherited by the said Zubbaida Khanam and Zeenat Khanam and all taxes were paid in their names.

3. While so, the respondents 3 and 4, in collusion with one Keppulakshmi, created bogus sale transactions and documents to grab the above said property and they claim to have purchased 1200 Sq.Ft. in Survey No.119/7 under a registered sale deed dated 17.04.2000, vide Document No.892 of 2000, SRO, Alandur, from Mrs.Keepulakshmi, wife of Rajaram. Further, Keepulakshmi, in turn, claims to have purchased 1940 Sq.Ft. in S.No.119/7 from Syed Saidabeevi represented by her Power Agent M.Srinivasan (General Power of Attorney Document No.969 of 1995), dated 05.10.1995, SRO, Saidapet, vide sale deed, dated 15.03.1996 in Document No.971 of 1996, SRO, Alandur.

4. It is the further case of the petitioner that when she applied for certified copy of the documents from the Sub-Registrar's Office, she came to know that the Power of Attorney document in Doc.No.969 of 1995 was fabricated and the above said sale deed was also fraudulently executed on 15.03.1996 and the survey number was erased and inserted with another number in the document. In this regard, the petitioner gave a representation, dated 12.01.2015 to the second respondent-District Registrar, to cancel the fraudulent sale deed created in favour of the third and fourth respondents by the fifth respondent. Since there was threat from the respondents 3 and 4, the petitioner has approached Police authorities and in the meantime, there were civil cases between either party, which are pending. It is the grievance of the petitioner that with an intention to grab the property, the respondents 3 and 4 and

others are threatening the petitioner with dire consequences and they attacked her son, who sustained grievous injuries, resulting in filing a complaint/F.I.R before the concerned Police Station, which ended in filing final report before concerned Court. Since the above said representation of the petitioner, dated 12.01.2015 to the second respondent is still pending, the petitioner has approached this Court by filing this Writ Petition for the above relief.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondents 1 and 2.

6. Considering the limited scope of the prayer made in this Writ Petition, without going into the merits of the claim of the petitioner, this Writ Petition is disposed of, with a direction to the second respondent to consider the said representation, dated 12.01.2015 of the petitioner and issue notice to the respondents 3 to 5 and all other necessary parties and after giving an opportunity of hearing to the petitioner and necessary parties, dispose of the said representation, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

cs

s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

Copy to

1. Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Fort St. George, Chennai-600 009.
2. The District Registrar,
Sub-Registrar Office Buildings,
No.9, Jeensis Road, Saidapet,
Chennai-600 015.

+ 1 cc to Mr.R.Amizhdhu, Advocate SR 8765

lrs(co)
prk15/2

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