

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29/2/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.7336 of 2016

S. Senthamil Selvi

..Petitioner

Vs.

1. The Inspector General of Registration,
No.100 Santhome High Road,
Pattinapakkam, Chennai 28.
2. The District Registrar
Chennai South, Jenis Road,
Saidapet, Chennai 15.
3. The Sub-Registrar,
O/o.The Sub-Registrar,
Guduvancheri, Chennai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the second respondent to take appropriate action in accordance with Circular No.67 dated 3/11/2011 issued by the first respondent on the fraudulent Power of Attorney and Sale deed executed by V.Durai and others based on the appeal of the petitioner dated 31/8/2015.

For Petitioner ... Mr.N.Kolandaivelu

For Respondents... Mr.S.Navaneethan
Additional Government Pleader

O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal, at the admission stage itself.

2. Heard Mr.N.Kolandaivelu, learned counsel for the petitioner and Mr.S.Navaneethan, learned Additional Government Pleader for the respondents.

3. This writ petition has been filed praying to direct the second respondent, to take appropriate action, in accordance with Circular No.67 ,dated 3/11/2011, issued by the first respondent, on the fraudulent Power of Attorney and Sale deed, executed by V.Durai and others, based on the appeal of the petitioner, dated 31/8/2015.

4. The short facts which are relevant for the disposal of the writ petition are as follows:-

The petitioner had purchased two house sites, to an extent of 2655 sq.ft and 2450 sq.ft, in Plot Nos.50 and 51, respectively at Sudharsan Nagar in S.No.308/3, Mambakkam Village, Thiruporur Panchayat Union, Chengalpattu Taluk, Kancheepuram District, from Anop Chand Jain, on the file of Sub-Registrar, Guduvancheri. The petitioner had applied for Encumbrance Certificates in respect of the aforestated lands. After perusal of the encumbrance certificates, she came to understand that one V.Durai, fraudulently registered two Power of Attorney Deeds, dated 17/9/2008, in Document Nos.1815 and 1816 of 2008, before the third respondent/Sub-Registrar, Guduvancheri, Chennai.

5. Seeking appropriate action in terms of Circular No.67 dated 3/11/2011, issued by the first respondent, the petitioner had preferred an appeal, to the second respondent, on 31/8/2015 and the same is pending consideration.

6. In the meantime, V.Durai, sold Plot No.50 to Mrs.A.Zahida Bee and S.Mohammed Illiyas on 30/9/2008 and Plot No.51 to S.Narendra Kumar on 17/8/2011, on the file of SRO, Guduvancheri, Chennai. Thereafter, Mrs.A.Zahida Bee and S.Mohammed Illiyas sold the said land to Mohammed Shabi and S.Narendra Kumar to Saranealakshmi Ravikumar Ravi.

7. In the aforestated circumstances, the petitioner had lodged a Police complaint, in F.I.R.No.230 of 2015, dated 11/5/2015, before the Thazhambur Police Station, against V.Durai and six others. After filing of criminal case, in respect of Plot No.51, the sale deed was cancelled by the respective parties, but in respect of Plot No.50, the sale deed was not cancelled. Hence the petitioner has come forward with the present writ petition, praying for the relief as stated therein.

8. Without going into the merits of the claim of the petitioner, the second respondent is hereby directed, to consider and dispose of the appeal filed by the petitioner,

dated 31/8/2015, in accordance with Circular No.67, dated 3/11/2011, issued by the first respondent, on the fraudulent Power of Attorney and Sale Deed executed by V.Durai and others, within a period of twelve weeks, from the date of receipt of a copy of this order, after issuing notice to the parties concerned. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petition.

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

mvs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Inspector General of Registration,
No.100 Santhome High Road,
Pattinapakkam, Chennai 28.
2. The District Registrar
Chennai South, Jenis Road,
Saidapet, Chennai 15.
3. The Sub-Registrar,
O/o.The Sub-Registrar,
Guduvancheri, Chennai.

+ 1 cc to Mr.N.Kolandaivelu, Advocate Sr 12665

+ 1 cc to The Govt.Pleader, Sr 12935

KR/9/3/16

W.P.No.7336 of 2016

WEB COPY