

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7817 of 2016

G.V.Johnson

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai 600 028.

2.The District Registrar,
(Administration),
North Chennai.

3.The Sub Registrar,
Ambattur,
Chennai 600 053.

4.R.K.Radhakrishnan
5.K.Parthipan
6.P.Antony George
7.S.Nagalakshmi
8.S.Lalitha

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents 1 to 3 to conduct an enquiry and initiate prosecution under Sections 82 and 83 of the Registration Act, 1908 against the respondents 4 to 8 for the creation of two sale deeds dated 05.03.2015 (Doc.No.3143/2015) and 08.04.2015 (Doc.No.4947/2015) by considering the petitioner's representation dated 09.09.2015 and legal notice dated 22.12.2015.

For Petitioner : Mr.N.Manokaran

For Respondents 1 to 3 : Mrs.P.Rajalakshmi,G.A.

O R D E R

The petitioner has come up with the present writ petition for a mandamus, directing the respondents 1 to 3 to conduct enquiry and initiate prosecution under Sections 82 and 83 of the Registration Act, 1908 against the respondents 4 to 8 for the creation of two sale deeds viz., Doc.No.3143/2015 dated 05.03.2015 and Doc.No.4947/2015 dated 08.04.2015 by considering his representation dated 09.09.2015 and legal notice dated 22.12.2015.

2. It is the case of the petitioner that the petitioner and his mother by name G.Guruvammal had jointly purchased an extent of 3115 sq.ft bearing plot nos.8 and 9 comprised in S.No.296/1A1 of Thirumullaivoyal Village, Ambattur Taluk, Tiruvallur District from one E.R.Sundaram by virtue of a sale deed dated 27.03.2002 bearing Doc.No.93/2005. In July 2014, he needed money for construction of a house, for which, he along with his mother went to the office of the fifth respondent-financier through the fourth respondent-finance broker, for getting loan, wherein, the petitioner and his mother were asked to put signature and thumb impression respectively for the loan of Rs.30 lakhs. Accordingly, they have done so. However, the fifth respondent has paid part of the loan amount on different dates and only after execution of power of attorney dated 07.11.2014 in favour of the sixth respondent, who is the son of the fifth respondent, he has paid the remaining loan amount, after deducting Rs.3,00,000/- towards brokerage. Thereafter, by using the said power of attorney, the sixth respondent executed two fraudulent sale deeds in the name of respondents 7 and 8. On coming to know about the same, a legal notice dated 27.05.2015 was issued, to which, respondents 6 and 8 sent their reply on 10.6.2015 and 22.06.2015 respectively. On receipt of the same, the petitioner filed a rejoinder dated 14.07.2015. The petitioner also sent a legal notice dated 22.12.2015 to the respondents 1 to 3, followed by a reminder dated 9.9.2015. Though the first respondent has forwarded his complaint to the second respondent for taking necessary action on 01.10.2015, no action has been taken so far. Therefore, the petitioner has approached this Court with the present petition for the above stated relief.

3. Learned counsel for the petitioner vehemently argued by reiterating the averments raised in the affidavit filed in this writ petition.

4. Per contra, the learned Government Advocate, who took notice for respondents 1 to 3, submitted that the issue involved herein is civil in nature and the remedy available to the petitioner is before the appropriate civil forum.

5. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for respondents 1 to 3 and perused the materials placed before this Court.

6. Irrespective of the submissions made on either side, this Court directs the respondents 1 to 3 to conduct enquiry with regard to the allegations made in the petitioner's representation dated 09.09.2015 and legal notice dated 22.12.2015, by affording an opportunity of personal hearing to the petitioner as well as to the respondents 4 to 8 and other necessary parties, if any and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents 1 to 3 to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai 600 028.

2.The District Registrar,
(Administration),
North Chennai.

3.The Sub Registrar,
Ambattur,
Chennai 600 053.

+1cc to M/S.N.Manokaran, Advocate, S.R.No.13495
+1cc to the Government Pleader, S.R.No.14101

W.P.No.7817 of 2016

rsk(CO)
srg(21/03/2016)