

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Writ Petition No.2650 of 2017

Easwari

... Petitioner

vs.

1. The Inspector General of Registration,
O/o.The Inspector General of Registration Office,
100, Santhome High Road,
Chennai 600 028.
 2. The District Registrar,
O/o.The District Registrar Office,
South Chennai,
Chennai.
 3. The Sub Registrar,
O/o.The Sub Registrar Office,
Avadi, Chennai.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents 1 and 2 to consider the representation dated 04.11.2015 and to pass a suitable order to cancel the fraudulent transfers registered as Document No.12140/2012 (Sale Deed), 12141/2012 (Sale Deed), 13689/2012 (Power Deed), 14312/2012 (Power Deed) and clear the fraudulent title in respect of Plot No.22, comprised in Survey No.209/1, measuring an extent of 2400 sq. ft., Patta No.744 at "Lakshmi Nagar", Vellalanoor Madhura Arikkampedu Village, Chennai - 62.

For Petitioner : Mr.A.K.Gopalan

For Respondents: Mr.A.Kumar,

Special Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondents 1 and 2 to consider her representation dated 04.11.2015 and to pass a suitable order to cancel the fraudulent transfers registered as Document No.12140/2012 (Sale Deed), 12141/2012 (Sale Deed), 13689/2012 (Power Deed), 14312/2012 (Power Deed) and clear the fraudulent

title in respect of Plot No.22, comprised in Survey No.209/1, measuring an extent of 2400 sq. ft., Patta No.744 at "Lakshmi Nagar", Vellalanoor Madhura Arikampedu Village, Chennai - 62.

2. According to the petitioner, her father purchased the property in question from one Mr.Loganathan and Dhasaradhan through their Power Agent, one Paraman, registered as Document No.5389 of 1988 on 18.07.1988 on the file of the SRO, Poonamallee. Thereafter, the petitioner's father settled the property in question in favour of the petitioner. While so, the petitioner's father received a phone call from one V.Selvam on 30.05.2014, informing him that one J.Sathish had purchased his father's Plot No.22 and had converted into two lands. Immediately, the petitioner's father rushed to the 3rd respondent's Office and applied for Encumbrance Certificate, which reflected that many fraudulent transfers took place as regards Plot No.22.

3. Hence, the petitioner lodged a complaint on 11.06.2014 before the Tank Factory Police Station, Avadi on 11.06.2014 and subsequently before the Commissioner of Police on 11.07.2014 and 18.07.2014, which was forwarded to the Inspector of Police, Anti-Land Grabbing Special Cell-II, CCB-II, Vepery, Chennai. The Inspector of Police enquired the complaint and registered the case against (i) D.Sathish (ii) G.N.Ramakrishnan (iii) K.Dhanapal (iv) S.Kumaravel (v) Kamatchiyammal and (vi) V.Selvam and arrested and remanded them to judicial custody under GOONDAS Act.

4. It is the case of the petitioner that she is in absolute possession of Plot No.22 till date and hence, she made a representation to the 1st respondent on 04.11.2015 seeking to cancel the registered documents and the same was forwarded to the 2nd respondent and it was communicated to the petitioner vide Letter No.49745/U2/2015, dated 10.12.2015. Since no steps are taken by the respondents on her representation seeking to cancel the fraudulent entries in her Plot, the petitioner is before this Court.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. Taking into consideration that there is already a criminal complaint, this Court directs the 2nd respondent herein to consider the petitioner's representation dated 04.11.2015 on merits and in accordance with law, and pass appropriate orders, after giving notice to all the parties concerned, as expeditiously as possible.

This Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Aeb
To:

1. The Inspector General of Registration,
O/o.The Inspector General of Registration Office,
100, Santhome High Road,
Chennai 600 028.
2. The District Registrar,
O/o.The District Registrar Office,
South Chennai,
Chennai.
3. The Sub Registrar,
O/o.The Sub Registrar Office,
Avadi, Chennai.

+3cc to Mr.A.K. Gopalan, Advocate, S.R.No.6808
+1cc to the Government Pleader, S.R.No.7295

pk(CO)
md(03/03/2017)

सत्यमेव जयते

W.P.No.2650 of 2017

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