

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2017

CORAM:

THE HON'BLE MR. JUSTICE A.SELVAM
and
THE HON'BLE MR. JUSTICE P.KALAIYARASAN

W.P.No.29655 of 2015

and

M.P.No.1 of 2015

M.Kumaresan

... Petitioner

vs.

1.The Inspector General
of Registration,
Department of Registration,
No.100, Santhome High Road,
Pattinapakam,
Chennai-600 028

2.The District Registrar,
Chennai(South),
Office of the Registration Department,
2nd Floor, Jenis Road,
Saidapet, Chennai-600 015

3.The Sub-Registrar,
Virugambakkam Sub-Registrar's Office,
No.124, 1st Floor, School Street,
Virugambakkam,
Chennai-600 092

4.Mrs.Priya

5.Mrs.Saroja

6.Mr.Raghupathi

7.Mr.R.Parthiban

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the respondents 1 to 3 to cancel the following documents and consequently delete the entries of the same in the books maintained by them in view of the Circular No.67, dated 03.11.2011, issued by the first respondent:-

i) Settlement Deed dated 12.12.2013, registered as Doc.No.7729/13, SRO, Virugambakkam in favour of respondents 4 and 5.

(ii)Power of Attorney dated 30.06.2014, registered as Doc.No.4321/2014, SRO, Virugambakkam, executed by respondents 4 and 5 in favour of 6th respondent.

(iii)Sale agreement dated 05.01.2015, registered as Doc.No.44/2015, in favour of 7th respondent.

With regard to property comprised in Survey No.411 (7.56 cents) and 412 (3.44 cents) measuring an extent of 4800 sq.ft.bearing plot Nos.6 and 7, Ashtalakshmi Nagarr, Maduravoyal, Mathura Alapakam Village, Saidapet Taluk, Chengalput District.

For Petitioner : Mr.V.Bhiman for
M/s.Sampathkumar & associates

For Respondents: No appearance for R1 to 3 & R7
R4 to 6 - Not served

O R D E R

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution off India, praying to direct the respondents 1 to 3 to take appropriate action on the basis of the representation dated 12.01.2015, coupled with Circular No.67, dated 03.11.2011, by way of issuing a writ of mandamus.

2.It is averred in the petition that the lands comprised in Survey No.411, admeasuring 7.56 cents and in Survey No.412, admeasuring 3.44 cents are the absolute properties of the petitioner. By way of making impersonation, the respondents 4 and 5 have created certain bogus documents. Under the said circumstances, the petitioner has sent a representation on 12.01.2015 to the respondents 1 to 3. But despite of the said representation and also Circular No.67 dated 03.11.2011, the respondents 1 to 3 have not taken any steps. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.It is seen from the records that the petitioner has given a representation dated 12.01.2015, in respect of Survey Numbers mentioned therein.

4.The learned counsel appearing for the petitioner has sparingly contended to the effect that the Survey Numbers mentioned in the representation are the absolute properties of the petitioner and the respondents 4 and 5, by way of making impersonation, have created certain fictitious documents. Under the said circumstances, the representation in question has been given on the basis of Circular No.67, dated 03.11.2011. But the respondents 1 to 3 have not taken any steps.

5.It is an admitted fact that Circular No.67, dated 03.11.2011 has already been withdrawn by the Government of Tamil Nadu by virtue of another Circular dated 20.10.2017.

6.It is an admitted fact that as per Section 83 of the Registration Act, 1908, the second respondent, viz., the District Registrar, is having ample power to recommend for instituting criminal proceedings, if there are sufficient grounds.

7.The main contention put forth on the side of the petitioner is that the respondents 4 and 5, by way of making impersonation, have created certain bogus documents in respect of Survey Numbers mentioned in the representation.

8.Considering the allegation made in the representation dated 12.1.2015 and also considering the power of the second respondent under Section 83 of the Registration Act, 1908, this Court is inclined to pass the following order.

In fine, this writ petition is allowed in part without costs. The second respondent is directed to look into the allegations made in the representation dated 12.01.2015, alleged to have been given by the petitioner and to proceed further in accordance with the provisions of Section 83 of the Registration Act, 1908 within a period of two months from the date of receipt of a copy of this order. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

msk

To

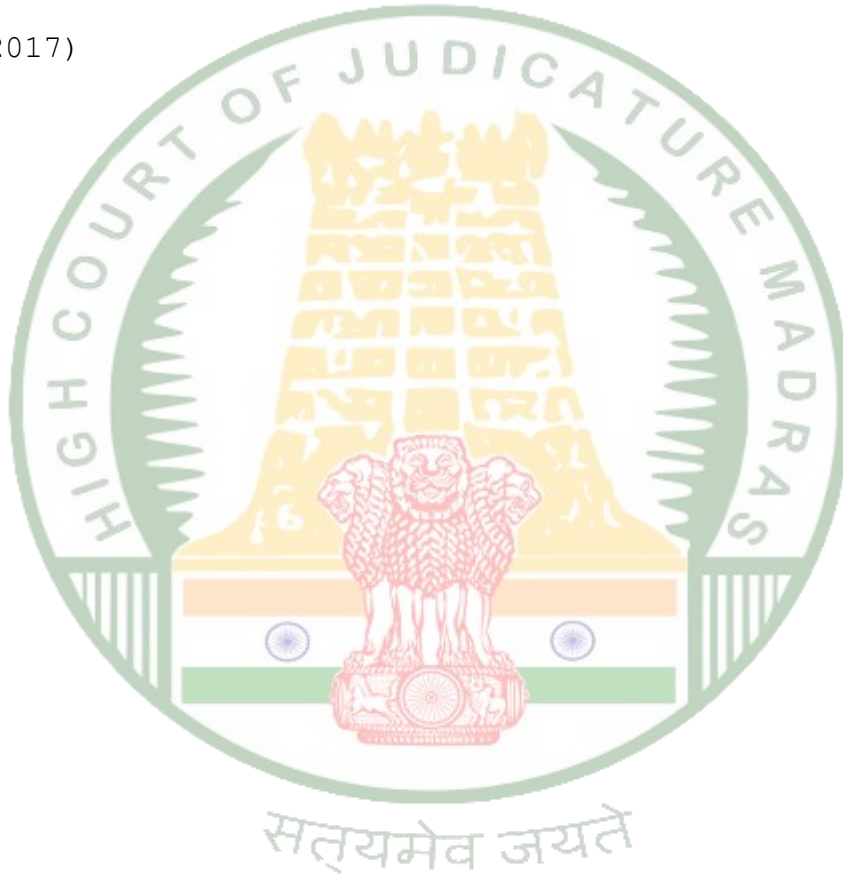
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+ 1 cc to M/s. Sampathkumar, advocate SR.81496
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SS(CO)
EU(06/12/2017)



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