

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.9952 of 2018

K.Arunachalam

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome, Chennai - 600 004.

2.The Deputy Inspector General of Registration,
Vellore.

3.The District Registrar,
Administration, Thiruvannamalai.

4.The Sub Registrar,
Thiruvannamalai,
Thiruvannamalai District.

5.Karunanidhi

6.Pugalendhi

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 3 to conduct an enquiry in respect of the Document No.11543 of 2010 and 11544 of 2010 registered on 24.11.2010 on the file of Sub Registrar, Thiruvannamalai and cancel the registration on the basis of the representation given by the petitioner on 24.04.2017.

For Petitioner : Ms.T.Sreelekha

For Respondent : Mr.M.Thamizharasu,
Government Advocate (R1 to R4)

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O R D E R

The petitioner, claiming to be the owner of the land in Survey No.26/1A, 26/1B situated at Athianthal Village, Thiruvannamalai Taluk and District under the Sale Deed dated 03.11.2010 executed through Court, has come to this Court seeking for a direction to the respondents 1 to 3 to conduct an enquiry in respect of the Document No.11543 of 2010 and 11544 of 2010 registered on 24.11.2010 on the file of the Sub Registrar,

Thiruvannamalai and to cancel the same based on the petitioner's representation dated 24.04.2017.

2.The learned counsel appearing for the petitioner has submitted that for the loan obtained by the petitioner, he has executed a Mortgage Deed in favour of his friends viz., the respondents 5 & 6 herein in respect of the property in S.No.26/1A and 26/1B. Thereafter, the petitioner has come to know that his friends viz., Karunanidhi and Pugalendhi have forged the said document as Sale Deed. The petitioner was misled to append his signature in the aforementioned documents giving an impression that the document was only a Mortgage Deed. After coming to know of the fraudulent act of those persons, only on 24.04.2017, he has given a complaint to the 1st respondent, requesting him to cancel the Sale Deed. On receipt of the said complaint, the 1st respondent has also issued a communication to the 3rd respondent viz., the District Registrar on 03.04.2017 to consider the same. But no enquiry has been conducted. Therefore, the petitioner has once again approached the 1st respondent to conduct an enquiry. Only thereafter, the 2nd respondent directed the petitioner to give a statement explaining the background as to how he was misled by the respondents 5 & 6. The petitioner has also given a detailed statement before the 2nd respondent, but till date no action has been taken.

3.Since the 1st respondent has already issued a communication to the 3rd respondent and the 2nd respondent in turn has seized off the matter, this Court hereby directs the respondents 1 to 3 to consider the statement given by the petitioner and his representation dated 24.04.2017 and pass appropriate orders on the pending enquiry within a period of four weeks from the date of receipt of a copy of this order.

4.With these directions, the Writ Petition is disposed of. No costs.

-s/d-सत्यमेव जयते

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

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To

1.The Inspector General of Registration,
Santhome, Chennai - 600 004.

2.The Deputy Inspector General of Registration,
Vellore.

3.The District Registrar,
Administration, Thiruvannamalai.

4.The Sub Registrar,
Thiruvannamalai,
Thiruvannamalai District.

+1 CC to Ms.T.Sreelekha, Advocate sr 29658.

+1 CC to Govt. Pleader sr 30006.

W.P.No.9952 of 2018

GJ(CO)
SP(09/05/2018)



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