

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 17.12.2018

CORAM
THE HONOURABLE MR.JUSTICE T. RAJA

W.P. No.35536 of 2016

N.Nagereddy

... Petitioner

-vs-

1.The District Registrar, Krishnagiri.

2.The Sub Registrar, Denkanikottai,
Hosur Taluk, Krishnagiri District.

3.R.Suganthan

4.R.Karnan

5.S.Venugopal

6.Revathy

7.Radhakrishnan

8.Meena

9.Ramachandra Granite &
Construction Pvt. Ltd.,
Rep. by its Managing Director
T.Varadaraj

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to order dated 26.08.2016 made in M.M.No.1320/U/2016 of the first respondent and quash the same and to implement the Circular No.67 of the Inspector General of Registration dated 03.11.2011 and initiate steps/action as per Circular No.67 against the respondents 3 to 9.

For Petitioner : Mr.E.Omprakash
Senior Counsel for
Mr.S.Kumara Devan

For Respondents: Mr.T.M.Pappiah
Special Government Pleader
for R1 and R2

No appearance for R3 to R9

ORDER

This writ petition has been filed by one Nagereddy, the petitioner herein questioning the correctness of the impugned order dated 26.08.2016 made in M.M.No.1320/U/2016 passed by the District Registrar, Krishnagiri, the first respondent herein, who has directed him to approach the Civil Court to establish his ownership of the title deeds in the land in question and seeking a direction to respondents 1 and 2 to implement the Circular No.67 dated 03.11.2011 issued by the Inspector General of Registration.

2.Mr.E.Omprakash, the learned senior counsel appearing for the petitioner submitted that the petitioner is in possession of the entire original title deeds of property in question and therefore, he also came to this Court on earlier occasion with a Writ Petition in W.P.No.13227 of 2016 seeking for a Writ of Mandamus directing the respondents 1 and 2 to conduct enquiry with reference to his representation dated 15.03.2016 and cancel the sale deeds Document Nos.1558 to 1560 of 2008 dated 09.04.2008. This Court, by order dated 02.06.2016, directed the first respondent to conclude the enquiry with reference to the petitioner's representation in the form of legal notice dated 15.03.2016, in accordance with law after putting on notice the respondents 3 to 7 therein and pass orders as expeditiously as possible not later than eight weeks from the date of receipt of the copy of the order.

3.Learned senior counsel would further submit that since the petitioner has given a complaint to take action in pursuance of the Circular No.67 dated 03.11.2011 issued by the Inspector General of Registration, it is incumbent upon the District Registrar, the first respondent to deal with the complaint given, for fraudulent registration on production of certain documents. Therefore, when there is an order dated 02.06.2016 passed by this Court in W.P.No.13227 of 2016, the enquiry has to be conducted with regard to the fraudulent transaction that led to the registration of three sale deeds dated 09.04.2008. Pursuant thereto, the first respondent has passed the order directing the parties to approach the Civil Court and the Circular No.67 dated 03.11.2011 was also subsequently withdrawn on 20.10.2017. Adding further, he would submit that as the petitioner is the legal custodian of the original deeds, only on the basis of the statement made by the vendors of the land in question that the title deeds have been lost, the present impugned order has been passed. When the petitioner is in legal possession and custody of the documents, the wrong statement made by the vendors before the first respondent ought not to have been relied upon.

4.The learned Senior Counsel referring to paragraph No.11 of the impugned order, submitted that when the two documents bearing Document Nos.1558 & 1559 of 2008 were executed by the power of attorney and the Principal, who represented the power agent, died on 13.09.2000, the first respondent ought to have rightly conducted an enquiry.

5.Mr.T.M.Pappiah, the learned Special Government Pleader appearing for respondents 1 and 2 submitted that the petitioner is not the owner of the property, but he claims that he has got the original title deeds of the property in question without any basis and therefore, he cannot claim any right over the property and he cannot seek to conduct enquiry on the complaint given by him. Therefore, it is for him to approach the Civil Court as directed by the first respondent in the impugned order.

6.A perusal of the records would show that the petitioner is not a lawful owner and till date, no registered sale deed has been executed in respect of the land in question in favour of the petitioner and therefore, this writ petition is not maintainable. Secondly, the Circular No.67 dated 03.11.2011 issued by the Inspector General of Registration was also withdrawn on 20.10.2017. However, the transaction has to go on, if any complaint is filed alleging that fraudulent or manipulation or impersonation of the document has been taken place. But in the present case, the petitioner is not a lawful owner of the property and till date, he has not acquired any right by registered sale deed in his favour. Therefore, the writ petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vga

To

1.The District Registrar, Krishnagiri.

2.The Sub Registrar, Denkanikottai,
Hosur Taluk, Krishnagiri District.

+1cc to Mr.S.Kumara Devan, Advocate, S.R.No.87358

+1cc to the Government Pleader, S.R.No.88373

W.P. No.35536 of 2016

rrs 03/01/2019