IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2018

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.27090 of 2015
and
M.P.No.1 of 2015
and
W.M.P.No.23629 of 2017

M/s.P dot G Constructions(p)Ltd.,
Rep.by its Managing Director Mr.P.G.Prabhakar Reddy
"8 Square", No.26, Balasubramaniam Street,
Sapthagiri Nagar, Valasarvakkam
Chennai - 600 116. ..Petitioner

vs.

1.The Secretary,
Rep.by Ministry of Commercial Taxes
& Registration,
Fort St.George,
Secretariat,
Chennai - 9.

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

3.The District Registrar(Administration)(In charge)
South Chennai,
No.6, Jones Road,
Saidapet, Chennai - 15.

4.The Sub Registrar, (South Chennai)
No.124, Arcot Road, 1st Floor,
Virugambakkam, Chennai - 600 045.

5.Mr.RM.Chidambaram

6.M/s.Subaya Construction Company Ltd.,
Rep.By its Director,
Mrs.Subaya Meenakshi
No.21, Soundara Pandian Street,
Ashok Nagar,
Chennai - 83. ...Respondents

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Prayer:Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of a Writ of Certiorari, calling for the records on the file of the 3rd respondent herein and to quash the impugned order No.6686/Aa3/2015 dated 15.07.2015 as illegal, arbitrary, unconstitutional and unilateral.

For petitioner : Mr.K.Ramanamoorthy

For Respondents: Mr.T.M.Pappiah, Spl GP for R1 to R4
Mr.B.Natarajan for R5 & R6

O R D E R

The order impugned dated 15.07.2015 issued by the third respondent in respect of the direction given to register a Police complaint for registering a bogus document is under challenge in this writ petition.

2.The writ petitioner is M/s.P dot G Constructions Private Limited and the writ petitioners' are the absolute owners of the property situated in Plot No.76, Kumaran colony, Saligramam Village, Egmore, Nungambakkam Taluk, Chennai.

3.The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner purchased the said property in Document No.7384 of 2013 dated 29.11.2013 from one Mr.Prem Anand, S/o.Sekar, through his power of Attorney agent(Mr.Praveen Kumar Solomon)Salem in vide Document No.6416 of 2013 dated 18.10.2013 for an extent of 1 Ground and 800 Sq.ft. One Mr.E.Velankanni submitted a complaint before the District Registrar, South Chennai on 17.01.2015, stating that the land in question was grabbed by some land grabbers by way of a falsification, registration of documents before the Sub-Registrar. In other words, the defacto-complainant claimed that the entire registration of the property was fraudulent and the said registration is to be cancelled. The District Registrar/3rd respondent conducted an enquiry and passed an order, which is in proceedings dated 15.07.2015(impugned order), stating that the complainant is at liberty to prefer a Police complaint in order to redress his grievances.

4.Accordingly, a Police complaint was registered and now, the investigation is taken over by the Cyber Crime Cell in the office of the Commissioner of Police in relation to Document No.5558/2009 and the learned Special Government Pleader informed this Court that the investigation is in progress. When the Police investigation is in progress in respect of certain fraudulent documents, question of quashing the present impugned

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order does not arise at all.

5.The impugned order states that the aggrieved parties may approach the Police by registering a complaint. Accordingly, a complaint was registered and the investigations are in progress. The learned counsel for the petitioner further made a submission that a Civil Suit in C.S.No.888 of 2013 and C.S.No.80 of 2014 are also pending. Thus, it is left open to the respective parties to adjudicate their civil rights in the pending civil suits. Similarly, it is for the Police to investigate the matter and proceed accordingly, based on the investigation. Under these circumstances, the relief as such sought for, to quash the impugned order passed by the respondents dated 15.07.2015 does not arise at all and there is no infirmity as such in the impugned order.

6.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To
1.The Secretary,
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4.The Sub Registrar, (South Chennai)
No.124, Arcot Road, 1st Floor,
Virugambakkam, Chennai - 600 045.

+1cc to Mr.K.RAMANAMOORTHY, Advocate, S.R.No. 48274
+1cc to the Government Pleader, S.R.No. 49421

W.P.No.27090 of 2015

TR(31/07/2018)

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