

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.17589 of 2017

1.Tmt.A.A.Jahabar Nachia
2.T.M.B.Fareeda Begum
3.T.M.B.Barakath Nisa
4.T.M.B.Mehurunnisa
5.T.M.B.Salamath Begum
6.T.M.B.Syed Ali
7.T.M.B.Najamunisha
8.T.M.B.Ameer Ali
9.T.M.B.Fathima Banu
10.T.M.B.Anwar Ali ..Petitioners

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Santhome,
Chennai - 28.
2.The Sub Registrar,
T.Nagar,
Chennai - 17.

3.D.Thamburaj
4.I.Mahendrakumar Nahar
5.I.Rajendrakumar Nahar
6.I.Kishanchand Nahar
7.I.Kishorekumar Nahar सत्यमेव जयते ..Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to annul the two fraudulent documents viz. Power of attorney dated 10.11.2008 registered as Document No.833/08 and Sale deed dated 17.11.08 registered as Document No.2274/08 in SRO, T.Nagar, respectively.

For Petitioners: Mr.S.Vijayakumar
For Respondents: Mr.P.Purushothaman, GA for R1 & R2
Mr.K.N.Pandian for R4 to R7
No appearance for R3

O R D E R

The relief sought for in this writ petition is for a direction to direct the 2nd respondent to annul the two fraudulent documents viz. Power of attorney dated 10.11.2008 registered as Document No.833/08 and Sale deed dated 17.11.08 registered as Document No.2274/08 in SRO, T.Nagar, respectively.

2.The learned counsel appearing on behalf of the writ petitioners state that on account of fraudulent registration done in respect of the property belong to the writ petitioners, the writ petitioners were constrained to file a Civil Suit in O.S.No.7859 of 2009 and the suit decreed in their favour. The decree was passed based on the consent given by the defendants and based on the consent decree, the writ petitioners made a representation to the competent authorities to conduct an enquiry and pass orders for the purpose of executing the cancellation deed, the deed to annul the earlier sale deed was filed and the same is under the consideration of the respondents.

3.The Inspector General of Registration issued a Circular, stating that in the event of registration of any fraudulent instruments/documents or impersonations, the District Registrar is competent to conduct an enquiry. The circular was issued in Letter No.41530/U1/2017 dated 31.07.2018.

4.This being the Circular issued by the Inspector General of Registration, the writ petitioners are permitted to submit a fresh representation to the District Registrar concerned within a period of one week from the date of receipt of a copy of this order. The District Registrar concerned on receipt of any such representation from the writ petitioners, shall consider the same and pass orders within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioners are directed to enclose the copy of the fresh representation and other relevant documents to the District Registrar concerned along with the order passed in this writ petition.

5.Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector General of Registration,
100, Santhome High Road,
Santhome,
Chennai - 28.

2.The Sub Registrar,
T.Nagar,
Chennai - 17.

+ 1 cc to Government Pleader Sr.59298
+ 1 cc to MR.S. Vijayakumar, Advocate Sr.58653

W.P.No.17589 of 2017

(CS-VI)
EU(10/09/2018)



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