

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 22.11.2018

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**W.P(MD)No.23166 of 2018**

WEB COPY

M.Mohamed Mansoor Hallaj

... Petitioner

Vs.

1. The Inspector General of Registration,
O/o.the Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Chennai - 28.
2. The District Registrar,
O/o.District Registrar,
Registration Department,
Thanjavur,
Thanjavur District.
3. The District Registrar,
O/o.the District Registrar,
Registration Department,
Kumbakonam,
Thanjavur District.
4. The Director,
Directorate of Vigilance and Anti-Corruption,
No.293, M.K.N.Road,
Alandur, Chennai - 600 016.

... Respondents

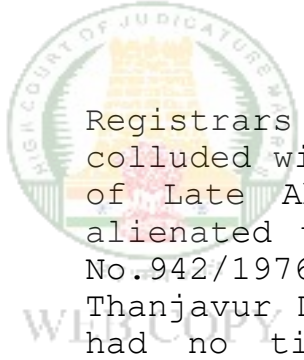
Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to take appropriate action against the erring officials by considering the petitioner's representation, dated 16.01.2018, in accordance with law, within a time frame to be fixed by this Court.

For Petitioner	: Mr.S.M.A.Jinnah
For Respondents	: Mr.M.Murugan Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the first respondent to take appropriate action against the erring officials by considering the petitioner's representation, dated 16.01.2018, in accordance with law, within a time frame to be fixed by this Court.

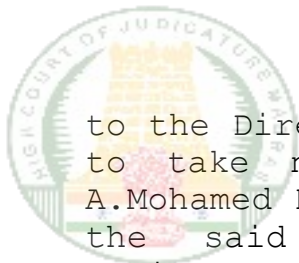
2.The case of the petitioner is that he is one of the members in Joint Patta No.533 in Valuthoor Village, Papanasam Taluk, Thanjavur District. The Revenue Officials as well as the Sub-



Registrars of Ayyampettai and Papanasam Sub-Registrar Office colluded with one Abdul Hakkim and Mohamed Masthan, who are the sons of Late Abdul Hameed, by way of creating forged documents and alienated the property in Patta No.533 through mentioning Document No.942/1976 on the file of the Sub-Registrar Office, Ayyampettai, Thanjavur District. The said Mohamed Masthan and Abdul Hakkim, who had no title over the property in Document No.942/1976, now, alienated the property to third parties. Though the averments of the documents show that petal leaves cutting rights alone was granted, the said documents were wrongly registered under the caption of Sale Deed. The petitioner submits that between the period from 1994 to 2009, 15 sale deeds were executed by Mohamed Masthan and Abdul Hakkim and during the registration, they produced Document No.942/1976 alone and without ascertaining as to whether the said persons are eligible to execute the sale deed in respect of the property in Patta No.533 in Valuthoor, Papanasam Taluk, Thanjavur District, the Sub-Registrars of Ayyampettai and Papanasam entertained the registration, which is illegal. In this regard, the petitioner sent a representation to the fourth respondent on 16.01.2018 from his place of work. The fourth respondent has forwarded his complaint dated 16.01.2018 to the first respondent vide his intimation in Petition No.1176/2018/REGN/TH, dated 08.02.2018 and the same was informed to the petitioner, but till date no action has been taken. Hence, the petitioner has filed the present writ petition for the relief stated supra.

3. On perusal of the documents, it could be seen that in 1976 one Abdul Hameed inherited the right from one A.K. Abdul Hameed Saibu as representative of 52 families' shareholders and accordingly, they can only utilize the property for cutting petal leaves alone. Accordingly, 75 persons in turn taking the said permission, enjoy the same for three years and the next family will be getting its rights after three years. Based on the said document, it is alleged that the parties referred to above, namely, Abdul Hakkim and Mohamed Masthan sold the piece of lands as housing plots to various third persons.

4. The petitioner has not produced any of the said sale deeds for perusal by this Court and no proof has been filed. Even before the concerned Sub-Registrar, he has not filed a petition for receiving the details under Right to Information Act and accordingly, the District Registrar has sent a proceeding, dated 04.01.2016, informing that based on 1976 document, there is no right of sale and based on the same, no document can be registered. Again, the proceedings of the Ayyampettai Sub-Registrar, Thanjavur District, dated 12.01.2016, based on the order of this Court in W.P. (MD) No.19835/2015, was issued that after enquiry, it was decided to inform the petitioner that only for cutting petal leaves alone permission has been granted and if any document comes for registration, the same will not be registered and it will be rejected. In spite of the same, the petitioner has sent a representation dated 16.01.2018 from Dubai stating various averments



to the Director of Vigilance and Anticorruption, Chennai, asking him to take necessary action against the said A.Abdul Hakkim and A.Mohamed Masthan and the erring officials, who were colluding with the said persons. When the Director of Vigilance and Anticorruption, Chennai, has received the said representation-cum-petition, forwarded the same to the Inspector General of Registration on 08.02.2018, without pursuing the said remedy available to him under the said Act, the petitioner has straightaway approached this Court by way of filing the writ petition.

5.While registering the document, the Registrar need not go into the details of a person and other things, when it is presented for registration and if there is any mistake committed by them, the petitioner can go before the authority concerned by way of appeal and if he is still aggrieved, he has to go before the Civil Court regarding cancellation of the said document and the filing of this writ petition is not maintainable. At this point of time, the learned counsel for the petitioner submitted that he restricts his prayer to consider the representation dated 16.01.2018 and pass orders by the concerned authorities. Hence, without going into the merits of the case, this Court directs the respondents 1 and 2 to pass necessary orders on the said representation-cum-petition filed by the petitioner. The petitioner has not filed any document before the authorities and without filing any document, the petitioner has simply given the details about the documents alone. In the absence of any materials, the authorities concerned would not be in a position to pass any orders. Hence, the petitioner is at liberty to approach the authorities concerned and produce all the documents.

6.With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Inspector General of Registration,
O/o.the Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Chennai - 28.

2. The District Registrar,
O/o.District Registrar,
Registration Department,
Thanjavur,
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3. The District Registrar,
O/o.the District Registrar,
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4. The Director,
Directorate of Vigilance and Anti-Corruption,
No.293, M.K.N.Road,
Alandur, Chennai - 600 016.

+1cc to SPL.Govt.Pleader, Sr.No.96577

SMN2

KM/SV/SAR2/12.12.2018/4P/6C

W.P (MD) No.23166 of 2018
22.11.2018