

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :22.11.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Review Application(Writ) No.212 of 2019
and
W.M.P.No.33265 of 2019
against
W.P.No.26859 of 2019

G.Balasubramanian .. Petitioner/3rd Party

/versus/

1.K.M.Ahmedullah Basha

2.The Sub Registrar,
Office of the Sub Registrar,
Kodambakkam,
Chennai 600 026.

3.The Inspector General of Registration,
Santhome High Road,
Chennai 600 004.

.. Respondents

Review Application filed under Section 114 of the Civil Procedure Code praying to review the order dated 17.09.2019 made in W.P.No.26859 of 2019.

Prayer in WP No.26859 of 2019 : Petition filed under Article 226 of Constitution of India Calling for the records relating to the order / Refusal Check Slip No.RFL/ Kodambakkam /4/2019 dated 11/07/2019 issued by the 1st respondent and quash the same and directing the 1st respondent to register the document namely the Deed of release dated 11/07/2019 presented for registration in respect of petitioners half undivided share in the property more fully described in the schedule here under executed by the petitioner K.M. Azamthullah Badhsa in favour of his brother K.M. Azamthullah Badhsa and return the document to the petitioner afater completing all the formalities of the registration.

For Petitioner :Mr.B.Hari Krishnan

For Respondents:Mr.N.P.Kumar for R1
Mr.T.M.Pappiah, Spl.G.P. For
R2 and R3

O R D E R

This Review Application filed praying to review the order dated 17.09.2019 made in W.P.No.26859 of 2019.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the 1st respondent and the learned Special Government Pleader appearing for respondents 2 and 3.

3.It is an unfortunate case, where the Court as well as the counsels have been misled and cheated by an impersonator by name Henry claiming himself as K.M.Ahmadullah Badsha, S/o Akbar Basha Sahib, residing at No.96, Neruppu Medu, Alandur Road, Saidapet, Chennai. He relying upon a sale deed dated 15.12.1939 allegedly executed in favour of K.M.Akbar Basha Sahib and the release deed dated 11.07.2019 executed in favour of Azhamathullah Badsha, filed the writ petition No.26589 of 2019 challenging the check slip issued by the Sub Registrar, Kodambakkam refusing to register the document on the ground of not furnishing the original parent deed.

4.This writ petition came up before this Court on 17.09.2019 and considering the grievance exposed in the affidavit sworn in the name of Ahmadullah Badsha and the relevant records, this Court passed order dated 17.09.2019 directing the Registrar to register the deed after obtaining necessary affidavit.

5.Now, the present application is filed by one Balasubramanian to review and recall the said order on the ground that the property sought to be conveyed really belongs to one Jothilakshmi. Ahmadullah Badsha, in whose name the document of the year 1939 relied by the petitioner in W.P.No.26859 of 2019 is a forged document and further, the so called Ahmedullah Badsha died in the year 2014 itself. One KamalKannan, his wife Naomi along with one Henry have conspired and fabricated the documents and Henry impersonating himself as Ahmadullah Badsha, filed the writ petition. On the strength of the order passed by this Court, he attempted to register the so called release deed executed in the name of the death person Ahmedullah Badsha. On knowing the fact, the petitioner gave a complaint to the Sub Registrar and also to the local police, who have promptly acted upon the complaint. The documents were not released, since the Sub Registrar has entertained doubt over the credence of the person, who presented the documents as well as the genuine of the documents.

6. It is brought to the notice of this Court by the review petitioner that the order passed by this Court on 17.09.2019 in a petition filed in the name of death person has

to be recalled. The learned counsel appearing for the petitioner would submit that he has accepted the brief based on the document produced by the person which includes the Aadhar card issued in the name of Ahmedullah Badsha.

7. Therefore, this Court could not find any error on the part of the counsel, who has accepted the brief. It is a clear criminal act of the impersonator, who has misled the counsel as well as the Court and snatched away the order prejudicial to the real owner. Hence, this Court has no hesitation to recall the order passed by this Court dated 17.09.2019 without ascertaining the credence of the petitioner properly.

8. This Court is of the view that in order to avoid these sorts of abuse of Court and fraudulent act, the Rule Committee of the High Court shall frame appropriate Rule to ensure the petitions are filed by the genuine and true person and not by impersonator. As suggested across the bar, the petitioner's photo and Aadhar card in all the cases may be asked to be annexed along with their affidavit which may substantially reduce cases filed by fake persons.

9. With the above observation, the Review Application is allowed. The order of this Court dated 17.09.2019 is recalled and the writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition closed.

10. The learned counsel appearing for the review petitioner reports that pursuant to the complaint, the police has already taken action against the impersonator and his accomplice. Hence, this Court is not inclined to proceed against the impersonator for perjury separately.

Sd/-
Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

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To:
1. The Sub Registrar,
Office of the Sub Registrar,
Kodambakkam,
Chennai 600 026.

2.The Inspector General of Registration,
Santhome High Road, Chennai 600 004.

Copy To

3. The Registrar (Judicial)
High Court, Madras.

4. The Assistatn Registrar (Rules)
High Court, Madras.

+1cc to Mr.N.P.Kumar, Advocate SR.No.97323

+1cc to Mr.B.Hari Krishnan, Advocate SR.No.97768(05/12/2019)

Rev.Aplw.No.212 of 2019
against
W.P.No.26859 of 2019

KJI(CO)
GMY(03/12/2019)