

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.7174 of 2018
and
W.M.P.Nos.8897 & 8898 of 2018

Sree Lakshmi Nagar Welfare Association,
Rep. by its Secretary Mr.A.Firdouse,
Plot No.530, Shop No.1, Sree Gokulapuram,
Sengundram Village, Chengelpet Taluk,
Kancheepuram District. Petitioner

Vs

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
- 2.The Deputy Inspector General of Registration,
No.27, Rajaji Salai, Chennai - 600 001.
- 3.The District Registrar,
No.10, Kancheepuram Main Road,
Chengalpattu - 603 002.
- 4.The Joint Sub Registrar No.II,
Chengalpattu, No.10,
Kancheepuram Main Road,
Chengalpattu - 603 002.
- 5.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
- 6.The Deputy Superintendent of Police,
District Crime Branch,
Office of the the District Superintendent of Police,
Kancheepuram, Kancheepuram District.

7.The Inspector of Police,
(Land Grabbing Cell)
Office of the District Superintendent of Police,
Kancheepuram,
Kancheepuram District.

8.Lakshmi

9.Sayed Zaireen Begum

10.D.Boopalan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st and 2nd respondents to cancel the forged and illegal (i). Power of Attorney No.2295 of 2007, dated 09.11.2007, Block-IV, now on the file of the 4th respondent herein, in respect of the property comprised in Survey No.488/2, 3 and 4, measuring to an extent 3.03 Acres situated in Senkundram Village, Chenglepet Taluk, Kanchipuram District, and (ii). Power of Attorney No.2296 of 2007, dated 09.11.2017, Block-IV, now on the file of the 4th respondent herein, in respect of the property comprised in Survey No.487/2, 166/1, 487/1 and 488/1 measuring to an extent 9.19 acres situated in Senkundram Village, Chenglepet Taluk, Kancheepuram District, which was done by the 8th respondent in favour of the 9th respondent, pursuant to the same being declared as fraudulent and wrongly registered by the 4th respondent, within a stipulated time limit.

For Petitioner : Mr.S.Anand Raj

For Respondents: Mr.P.P.Purushothaman,
Government Advocate for R1 to R4
Mr.R.Govindasamy,
Special Government Pleader
for R5 to R7
Mr.L.Chandra Kumar for R8 to R10

O R D E R

The petitioner seeks for the following relief:

To direct the 1st and 2nd respondents to cancel the forged and illegal (i). Power of Attorney No.2295 of 2007, dated 09.11.2007, Block-IV, now on the file of the 4th respondent herein, in respect of the property comprised in Survey No.488/2, 3 and 4, measuring to an extent 3.03 Acres situated in Senkundram Village, Chenglepet Taluk, Kanchipuram District, and

(ii). Power of Attorney No.2296 of 2007, dated 09.11.2017, Block-IV, now on the file of the 4th respondent herein, in respect of the property comprised in Survey No.487/2, 166/1, 487/1 and 488/1 measuring to an extent 9.19 acres situated in Senkundram Village, Chenglepet Taluk, Kancheepuram District, which was done by the 8th respondent in favour of the 9th respondent, pursuant to the same being declared as fraudulent and wrongly registered by the 4th respondent, within a stipulated time limit.

2. It is claimed by the petitioner that their members have purchased their respective subject matter property from one Mrs. Lakshmi @ Mrs.L.Lakshmiammal through her Power of Attorney in the year 1989. It is further claimed that while they are in peaceful possession and enjoyment of their respective plots, they were shocked to see the encumbrances over the entire layout vide two agreement both dated 14.08.2008 which is registered as Document Nos.6952 & 6953 of 2008 before the Joint Sub Registrar-II, Chengalpattu. It is further contended that on enquiry, they were shocked to note that their vendor, having sold the entire property through her Power of Attorney, had created some fabricated documents and executed a General Power of Attorney in favour of the 9th respondent herein and based on the above said General Power of Attorney, some agreement of sale was made with one Mr.K.Anbu Aegalivan. Therefore, the petitioner Association preferred a complaint before the police on 28.01.2009 followed by representation to the 2nd respondent on 20.09.2016 and 22.07.2017 praying for necessary action for cancellation of the forged Power of Attorney, Nos.2295 and 2296 of 2007 both dated 09.11.2007 and sale agreement dated 23.09.2015.

3. The grievance of the petitioner before this Court is that the said representation made by the petitioner Association has not been considered so far.

4. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the 3rd respondent to consider and decide after hearing all the parties viz., the petitioner as well as the respondents 8 to 10 and the interested parties, if any. Therefore, without expressing any view on the merits of the matter, this Writ Petition is disposed of by directing the 3rd respondent to hold an enquiry and pass orders on the petitioner's representation in respect of the subject matter of Power of Attornies and the sale agreement, after hearing all the parties concerned. If the 3rd respondent, after conducting the enquiry, comes to the conclusion that there is no fraud played before the Registration

Authority, it is for him to direct the parties to work out their remedy before the appropriate Civil Court. Such exercise shall be done by the 3rd respondent, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gsi/vri

To

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Office of the the District Superintendent of Police,
Kancheepuram, Kancheepuram District.

7.The Inspector of Police,
(Land Grabbing Cell)
Office of the District Superintendent of Police,
Kancheepuram,
Kancheepuram District.

+1cc to Mr.L.Chandrakumar, Advocate Sr.22535
+2cc to Mr.S.Anandaraj, Advocate Sr.22844

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