

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.32607 of 2014

G.RAJENDRAN
Rep by POA HOLDER
O.A.VARADADESIGAN

.. Petitioner

-vs-

1. The District Collector
Tiruvallur
2. The Tahsildar
Tiruvallur Taluk
3. Inspector General of Registration
100, Santhome High Road
Chennai 600 004
4. The Sub Registrar
Tiruvallur
5. The Chairman
Tiruvallur Municipality
Tiruvallur
6. The Revenue Divisional Officer
Tiruvallur
7. The Executive Engineer, TANGEDCO
TNEB, MES, Tiruvallur
8. Thiru A.Moorthy
9. Thamiz Thendral Arasu
10. Bharathi Arasu
11. Kalai Arasu
(Respondents 8 to 11 rep.by their
Counsel Sri Ravichandran &Ms.Mythili Advocates
District Magistrate's Court Trivellore)
12. The Dy.Superintendent of Police
Tiruvallur manning Land Grab Cell .. Respondents

Petition under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, to call for the records of case OS 379/2005 on the file of the District Munsif Court, Tiruvallur direct the Sub Registrar/Deputy Registrar to honour their circular acknowledged and approved by the High Court in terms of its directions to foal a mechanism to ensure fool proof issue of EC to remedy the fraudulent act admittedly perpetrated in the words of the Sub Registrar, Tiruvallur and to restore ownership as obtaining on the sale deed, the original of which has been lodged with the District Munsif Court to cancel the encroachment sale deed of the respondent in terms of the government circular upheld by this Hon'ble Court and for declaration of ownership in favour of the writ petitioner in lieu of the flawed deed cancellation held by the defendant and to get the fake patta issued on him be cancelled and a fresh patta be issued to the petitioner in line with the other pending cases flashed in the media which will also go a long way in the petitioner, a patient of chronic diabetes undergoing hospitaliation to see the light of the day in his own lifetime and thus render justice on the basis of advocate commissioner's report and on the basis of the original sale deed lodged with the District Munsif Court returnable to the petitioner on which substantial permanent injunction subsists on the basis of the sub registrar's expose.

For Petitioner :: Mr.OA.Varadadesigan
Petitioner-in-Person
Power of Attorney for
the Petitioner

For Respondents :: Mr.E.Balamurugan
Special Government Pleader
for R1, 2, 6 and 12
Mr.P.P.Purushothaman
Government Advocate for
R3 & 4

WEB COPY
ORDER

This writ petition has been prosecuted by the Power of Attorney of the writ petitioner G.Rajendran in person seeking issuance of a writ of declaration under Article 226 of the Constitution of India, to call for the records of O.S.No. 379 of 2005 on the file of the District Munsif

Court, Tiruvallur and to direct the Sub Registrar/Deputy Registrar to honour their circular acknowledged and approved by the High Court in terms of its directions to foal a mechanism to ensure fool proof issue of EC to remedy the fraudulent act admittedly perpetrated in the words of the Sub Registrar, Tiruvallur and to restore ownership as obtaining on the sale deed, the original of which has been lodged with the District Munsif Court to cancel the encroachment sale deed of the respondent in terms of the government circular upheld by this Hon'ble Court and for declaration of ownership in favour of the writ petitioner in lieu of the flawed deed cancellation held by the defendant and to get the fake patta issued on him be cancelled and a fresh patta be issued to the petitioner in line with the other pending cases flashed in the media which will also go a long way in the petitioner, a patient of chronic diabetes undergoing hospitaliation to see the light of the day in his own lifetime and thus render justice, on the basis of Advocate Commissioner's report and on the basis of the original sale deed lodged with the District Munsif Court returnable to the petitioner on which substantial permanent injunction subsists on the basis of the sub registrar's expose.

2. When the petitioner filed this writ petition, the Registry raised an objection with regard to the maintainability of the writ petition after seeing the prayer as mentioned above.

3. Mr.O.A.Varadadesigan, the party-in-person appearing as a power of attorney of Mr.G.Rajendran has stated that a civil suit has been filed before the District Munsif Court, Tiruvallur in O.S.No.379 of 2005 for the relief as stated therein and since the matter is pending for a long time, he has been advised to come to this Court to withdraw the matter from the District Munsif Court, Tiruvallur to this Court for expeditious disposal, in the light of the Circular No.67 dated 3.11.2011 issued by the third respondent empowering the District Registrar (Admn.) to annul the registration, if it is proved that the registration has taken place through impersonation and through production of false documents and statements/admissions and also issuing direction to the concerned registering officers to file FIR against the concerned persons.

4. But this Court is unable to find any merit in the writ petition. The reason being that the Circular No.67 dated 3.11.2011 has been subsequently withdrawn by the third respondent vide Letter No.41530/U1/2017 dated

20.10.2017. Therefore, the writ petition is not maintainable and the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

SS
To

1. The District Collector
Tiruvallur
2. The Tahsildar
Tiruvallur Taluk
3. The Inspector General of Registration
100, Santhome High Road
Chennai 600 004
4. The Sub Registrar
Tiruvallur
5. The Chairman
Tiruvallur Municipality
Tiruvallur
6. The Revenue Divisional Officer
Tiruvallur
7. The Executive Engineer
TANGEDCO
TNEB-MES
Tiruvallur

8. The Dy.Superintendent of Police
Tiruvallur (manning Land Grab Cell)

+1 cc to Government Pleader Sr.No. 93021,93063

W.P.No.32607 of 2014

A.SK(06/12/2019)