

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.8711 of 2020
and W.M.P.No.10565 of 2020

1. S.Vasu
S/o.Late T.P.Sundaram Achari
 2. V.Saraswathi, W/o.S.Vasu,
Both residing at No.18/1,
Jamalia Nagar,
Perambur, Chennai - 600 012. Petitioners
- versus
1. The Inspector General of Registration,
100, Santhome High Road, Chennai - 600 028.
 2. The Deputy Inspector General of Registration,
2nd Floor, SIDCO Electronics Complex,
Thiru.Vi.Ka.Industrial Estate, Chennai - 600 032.
 3. The District Registrar-Chennai North,
Kuralagam Building, 1st Floor,
Esplanade, Chennai - 600 108.
 4. The Sub-Registrar,
Gummidipoondi Sub-Registrar Office,
No.159, GRC Complex, GNT Road,
Gummidipoondi - 601 201.
 5. Mahindra World City Developers Limited,
Mahindra Towers,
Ground Floor, 17/18, Pattullos Road,
Anna Salai, Chennai - 600 002.
 6. Mahindra Industrial Park (Chennai) Limited,
Mahindra Towers,
Ground Floor, 17/18, Pattullos Road,
Anna Salai, Chennai - 600 002.
 7. V.Kalaiyalagan,
S/o.Late Venugopal,
59, Sami Street, Choolai, Chennai - 600 112.

8. E.Ganapathy,
S/o.Ettiappan,
No.36-B, Peruvaayal Colony Ward No.1,
Peruvaayal Village and Post, Pin - 601 206,
Gummidipoondi Taluk, Tiruvallur District.

9. Om Shakthy Agencies (Madras) Pvt. Ltd.,
T-65, SIDCO Industrial Estate,
Ekkatuthangal, Chennai - 600 032.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 3 and 4, their men and officers to consider objections/complaint/representations dated 24.10.2019, 27.11.2019 and 18.12.2019 of petitioners for cancelling/deleting the false and fabricated documents executed by and between 5th to 9th respondents and their respective sellers/principals in respect of petitioners' lands measuring 80 cents out of 1 acre and 07 cents in S.No.215/1, 57 cents in S.No.199/7, 1.05 acres in S.No.206/4 and 1.20 cents in S.No.207/1 respectively situate at No.82, Peruvayal Village, Gummidipoondi Taluk, Tiruvallur District within the Sub-Registration District of Gummidipoondi in the Registration District of Chennai-North covered under Sale Deed dated 08.08.2007, registered as Doc.No.6276/2007 executed in favour of the petitioners in accordance with Circular Letter No.41530/U1/2017 dated 31.07.2018 and consequent Circular Letter No.41530/U1/2017 dated 09.11.2018 issued by 1st respondent in the manner as contemplated therein within a time period as may be stipulated by this Court.

For Petitioners : Mr.Haja Mohammed Gisthi
For Respondent Nos.1 to 4 : Mr.T.M.Pappiah, SGP

सत्यमेव जयते
O R D E R

Mr.T.M.Pappiah, learned Special Government Pleader takes notice for the respondents 1 to 4. By consent of both the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The prayer made in this writ petition is to seek a direction to the respondents 3 and 4 to consider the petitioners' objections/ complaints/ representations dated 24.10.2019, 27.11.2019 and 18.12.2019 for canceling/ deleting the false and fabricated documents executed between the respondents 5 to 9 and their respective sellers/principals in regard to the lands belonging to the petitioners, measuring to

an extent of 80 cents, out of 1 acre and 07 cents in S.No.215/1, 57 cents in S.No.199/7, 1.05 acres in S.No.206/4 and 1 acre and 20 cents in S.No.207/1 situated at No.82, Peruvayal Village, Gummidipoondi Taluk, Tiruvallur District by way of a Sale Deed dated 08.08.2007, registered as Document No.6276 of 2007, in accordance with Circular No.41530/U1/2017 dated 31.07.2018 and consequent Circular No.41530/U1/2017 dated 09.11.2018 issued by the first respondent, within a stipulated time to be fixed by this Court.

3. It is the grievance of the petitioners that they had purchased the lands measuring 80 cents out of 1 acre and 07 cents in S.No.215/1, 57 cents in S.No.199/7, 1.05 acres in S.No.206/4 and 1 acre 20 cents in S.No.207/1, situated at No.82, Peruvayal Village, Gummidipoondi Taluk, Tiruvallur District by a Sale Deed dated 08.08.2007, registered as Document No.6276 of 2007 on the file of the Sub-Registrar of Gummidipoondi and they have been in peaceful possession and enjoyment of the same. While so, the respondents 5 to 9 by creating false and fabricated documents are attempting to sell and interfere with the petitioners' lands and causing hindrance to them. In this regard, the petitioners made representations dated 24.10.2019, 27.11.2019 and 18.12.2019 to the respective respondents 4, 3, and 2 requesting to delete/cancel the false and fabricated documents created in respect of their lands. Finding no response on either of the said representations, the petitioners have preferred the present Writ Petition for the aforesaid relief.

4. Heard Mr.Haja Mohammed Gisthi, learned counsel appearing for the petitioners, who submitted that the petitioners are the senior citizens and the first petitioner is the retired bank employee and he invested his hard earned money in the lands in question, for the purpose of his post retirement life; whereas the respondents 5 to 9 are attempting to interfere with the physical possession of the petitioners' lands by creating false and fabricated documents. He has also drawn the attention of this Court to the additional document produced and submitted that the criminal proceedings has already been initiated against the seventh respondent in connection with the land grabbing cases. Hence, the learned counsel sought appropriate direction to the official respondents in this writ petition.

5. On the other hand, Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents 1 to 4, fairly submitted that with respect to the claim of the petitioners, the respondents would conduct enquiry as per law and pass appropriate orders, on merits, within a time frame to be fixed by this Court.

6. In view of the submissions made by the learned counsel on either side and considering the limited prayer made by the petitioner, this Court, without expressing any opinion with respect to the claim made herein, directs the respondents 3 and 4 to conduct enquiry, on the basis of the representations of the petitioners dated 24.10.2019, 27.11.2019 and 18.12.2019 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioners as well as the respondents 5 to 9, within a period of six (6) weeks from the date of uploading the copy of this order in the web site.

7. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sri

To

- 1.The Inspector General of Registration, 100, Santhome High Road, Chennai - 600 028.
- 2.The Deputy Inspector General of Registration, 2nd Floor, SIDCO Electronics Complex, Thiru.Vi.Ka.Industrial Estate, Chennai - 600 032.
- 3.The District Registrar-Chennai North, Kuralagam Building, 1st Floor, Esplanade, Chennai - 600 108.
- 4.The Sub-Registrar, Gummidipoondi Sub-Registrar Office, No.159, GRC Complex, GNT Road, Gummidipoondi - 601 201.

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BR(CO)
GS(16/09/2020)