

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.09.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP.No.11386/2020 & WMP.No.13890/2020

1.R.Veeraraghavan
2.Ms.Deepa Raghavan
3.Ms.Vanitha Raghavan .. Petitioners
Versus

1.The District Registrar
Chennai South 2nd Floor
SIDCO Electronic Complex,
Thiru.Vi.Ka.Industrial Estate
Labour Colony, Guindy,
Chennai 600 032.

2.The Joint Sub Registrar II,
Neelankarai, 2/92, SH 49,
Kazura Garden, Neelankarai
Chennai.

3.The Joint Sub Registrar II
7 KB, Dasan Road, Seethammal
Colony, [MIG] Colony, Alwarpet,
Chennai 600 018.

4.Mr.Venkataraman

5.Mrs.S.Manjula

6.Mrs.Lakshmi .. Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 2nd respondent to take punitive action against the culprits as per the orders of the 1st respondent dated 03.12.2018 and communicate the same to the petitioners ; direct the respondents to delete the entry in Book 4 vide Doc.No.1178/4 dated 02.04.2007 and in the alternative direct the respondents to consider the representation of the petitioners sent through their lawyers within a time frame to be fixed by this Court.

For Petitioner : Mr.T.Ravichandran for
Shree Law Services
For RR 1 to 3 : Mr.T.M.Pappiah, Spl.GP

ORDER

- (1) This writ petition has been filed for the issue of a writ of mandamus, directing the 2nd respondent to act upon the order passed by the 1st respondent dated 03.12.2018 wherein the 1st respondent has directed for registration of a criminal case against respondents 4 to 6, in exercise of his power under Section 83 of the Registration Act. It is further prayed for cancelling the entry made in Book No.4 with regard to a document dated 02.04.2007.
- (2) The case of the petitioners is that they are the owners of the subject property. The petitioners had sub-divided the property into plots and has sought for an approval from the concerned authority. The petitioners were directed to execute a Gift Deed for the purpose of granting approval. When the 1st petitioner went to the office of the Sub Registrar, he realised that some fabricated documents have been created with respect to the subject property by respondents 4 to 6 and in fact, the 1st petitioner was shown to be dead and a fabricated Legal Heirship Certificate was created. Thereafter, a Power of Attorney was also registered and based on the same, a Sale Agreement was registered.
- (3) The 1st petitioner lodged a police complaint and an FIR came to be registered in Crime No.394 of 2017. The 1st petitioner also parallelly gave a representation to the 1st respondent to conduct an enquiry.
- (4) The 1st respondent conducted a detailed enquiry and found that respondents 4 to 6 have forged and fabricated document and therefore, directed the 2nd respondent to immediately register a criminal case against respondents 4 to 6.
- (5) Even though this order was passed on 03.12.2018, there was no follow-up action on the part of the 2nd respondent and therefore, a Legal Notice was issued on 14.04.2020 calling upon the 2nd respondent to immediately act on the orders passed by the 1st respondent. This notice also did not evoke any response. Left with no other alternative, the present writ petition has been filed before this Court seeking for appropriate direction.

(6) Heard the learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader accepting notice on behalf of respondents 1 to 3.

(7) The enormity of the situation is clearly revealed from the order passed by the 1st respondent on 03.12.2018. The 1st petitioner was shown to have died and respondents 4 to 6 have created bogus document. That is the reason why the 1st respondent directed the 2nd respondent to take criminal action against respondents 4 to 6. It is specifically alleged in the affidavit filed in support of the writ petition that after the orders were passed by the 1st respondent, the petitioners came to know that there is a Power of Attorney dated 02.04.2007 which was registered as Document No.1178 in Book No.4 and this Power of Attorney is said to have been executed in favour of the 4th respondent. The specific case of the petitioners is that this is yet another bogus document that has been created by the 4th respondent which must also to be cancelled by making an appropriate entry in Book No.4.

(8) Taking into consideration, the facts and circumstances of the case and the seriousness of the allegation as could be found from the orders passed by the 1st respondent, there shall be a direction to the 2nd respondent to immediately act upon the orders passed by the 1st respondent on 03.12.2018. The petitioners shall make a fresh representation to the 2nd respondent with regard to the cancellation of the entry made in Book No.4 on 02.04.2007 and the 2nd respondent shall act upon the same and take a decision. The 2nd respondent shall complete the process within a period of four weeks from the date of receipt of a copy of this order.

(9) This writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

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-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The District Registrar
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SIDCO Electronic Complex,
Thiru.Vi.Ka.Industrial Estate
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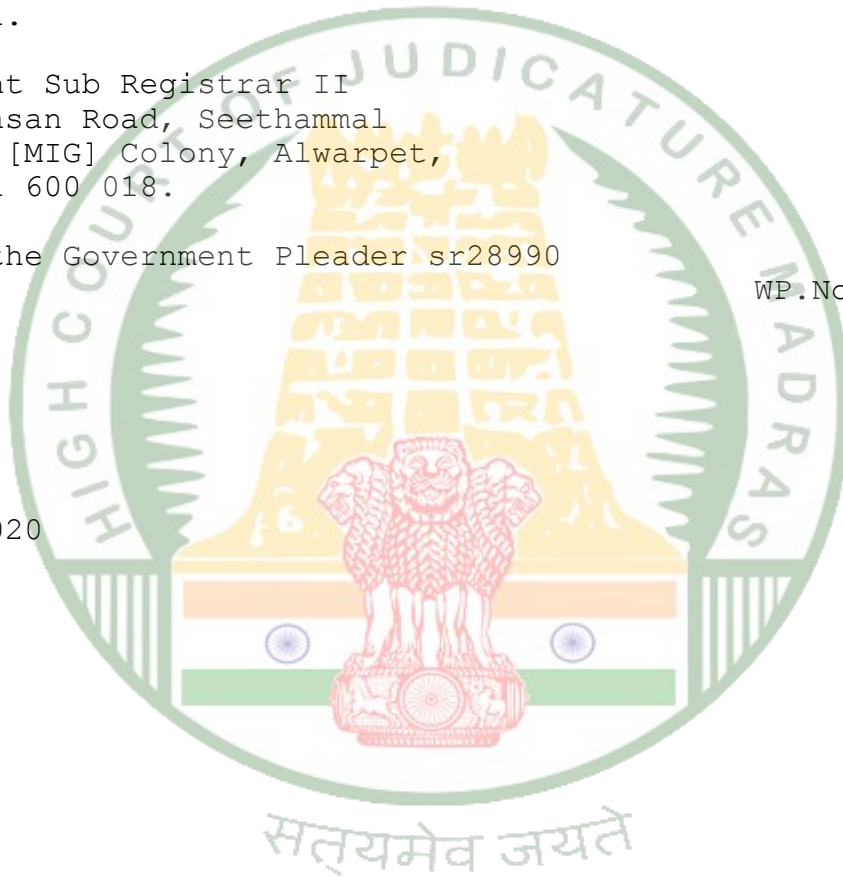
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+1 cc to the Government Pleader sr28990

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ajs(co)
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