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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N.ANAND VENKATESH

W.P.No.14015 of 2020

1.S.Vasu
2.V.Sarawathi

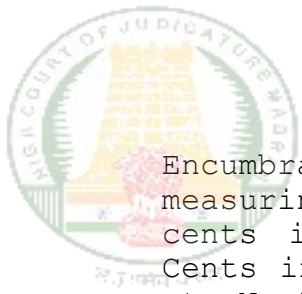
...Petitioners

Vs.

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,
Gummudipoondi Sub-Registrar Office,
No.159, GRC Complex, GNT Road,
Gummidipoondi, Chennai - 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
8. E.Ganapathy
9. Om Shakthy Agencies [Madras] Pvt. Ltd.,
T-65, SIDCO Industrial Estate,
Ekkatuthangal, Chennai - 600 032.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct the 3rd and 4th Respondents to make an appropriate entry in the



Encumbrance Certificate in respect of the 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 Acre 20 Cents in S.No.207/1 respectively all together 3.62 Acres situate at No.82 Peruvayal Village, Gummidipoondi Taluk, Tiruvallur District within the Sub-Registration Office 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 order dated 04.09.2020 passed by the 3rd respondent in the manner as contemplated therein within a time period as may be stipulated by this Court.

For Petitioners : Mr.S.Haja Mohideen Gisthi
For Respondents 1 to 4 : Mr.T.M.Pappiah
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of a writ of mandamus directing the third and fourth respondents to make appropriate entries in the Encumbrance Certificate, pursuant to the orders passed by the District Registrar, the third respondent herein, on 04.09.2020.

2.Heard Mr.S.Haja Mohideen Gisthi, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader for respondents 1 to 4.

3.It is seen from records that the petitioners had earlier approached this Court and filed W.P.No.8711 of 2020 and this Court disposed of the writ petition by an order dated 01.07.2020. The relevant portions in the order are extracted hereunder:

"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.

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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."

4.Pursuant to the above orders, the petitioners made a representation to the respondents on 18.07.2020. The third respondent issued notice to all the parties and conducted an enquiry. Ultimately, an order came to be passed by the third respondent on 04.09.2020 wherein it was specifically found that the transaction that took place between the private respondents was by virtue of a fraudulent document.



5.The grievance of the petitioners is that even after the orders were passed by the third respondent, the entry is found in the Encumbrance Certificate as if the petitioners have executed the document in favour of respondents 5 to 9. Therefore, the petitioners have approached this Court seeking for appropriate directions.

6.Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of respondents 1 to 4, submitted that some time can be fixed by this Court and that necessary changes will be made in the Encumbrance Certificate in line with the orders passed by the third respondent on 04.09.2020.

7.Taking into consideration the specific stand taken by the respondents, there shall be a direction to the third and fourth respondents to act upon the order dated 04.09.2020 passed by the third respondent and make appropriate entries in the Encumbrance Certificate with respect to the subject property, within a period of four weeks from the date of receipt of copy of this order.

This Writ Petition is disposed of with the above directions.
No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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,
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No.159, GRC Complex, GNT Road,
Gummudipoondi, Chennai - 601 201



+1cc to the Government Pleader, S.R.No.33069

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W.P.No.14015 of 2020

(CO)
CS(/01/2019)