

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

**W.P.No.19013 of 2020 &
WMP.No.23578 of 2020**

Captain R.Nandkumar

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai 600 028.

2.The Sub Registrar,
Thirupporur Sub Registrar Office,
Thirupporur Taluk,
Kancheepuram District.

3.The Tahsildar,
Chengalpattu Taluk,
VOC Nagar,
Chengalpattu 603 001.

4.The Deputy Superintendent of Police,
Anti Land Grabbing Special Cell,
Kancheepuram District.

5.Mrs.A.Amirthavalliammal

6.L.Kalesha

7.T.Pannerselvam

8.K.Thiyagarajan

9.Mrs.P.V.Laksmi Devi

10.The District Registrar,
Chengalpattu District Registrar,
Kancheepuram Main Road,
Chengalpattu.

... Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records connected to the registration of Settlement Deed dated 23.10.2013 registered as document No.14731/2013 on the file of the 2nd respondent herein, quash the same and consequently direct the 2nd respondent to delete all entries pertaining to the said registration bearing Document No.14731/2013 in Book I and in all other statutory

records made pursuant to such registration.

For Petitioner : Mrs. Vidhya

For Respondents : Mr. T.M. Pappiah for R1,R2 and R10
Mr.Manigopi, Govt. Advocate for R3 and R4

ORDER

This Writ Petition has been filed calling for cancellation of the Registration made by the 2nd respondent in Document No.14731 of 2013 and for a consequential direction to direct the 2nd respondent to delete all the entries pertaining to the registration of document No.14731 of 2013.

2.The case of the petitioner is that the subject property was purchased jointly by the petitioner and one Vimal Chand Bohra by virtue of a registered sale deed dated 12.10.2006, registered as Document No.9051 of 2006 on the file of the 2nd respondent. The further case of the petitioner is that there was also a joint patta issued in Patta No.14 for the entire extent of 1.41 acres. It is stated that the petitioner and the said Vimal Chand Bohra partitioned the property by metes and bounds through a partition deed dated 20.10.2008 and this document was also registered on the file of the 2nd respondent through document No.7935 of 2008.

3. It is stated that there was sub division of lands and it was subdivided into survey No.3.2/1, 32/2 and 32/3 and the petitioner was issued patta No.295 with respect to the survey No.32/1 for an extent of 68.98 cents. According to the

petitioner, the property was also properly fenced and it was in possession and enjoyment of the petitioner.

4. The petitioner being a Pilot, was not present in the property owing to the nature of his occupation and this was taken advantage of by certain persons who have managed to fabricate a settlement deed and this settlement deed was registered on the file of the 2nd respondent on 23.10.2013 in Document No.14731/2013. This Settlement Deed deals with the entire 1.41 acres in Survey No.32 and the Settlement Deed was executed by the 5th respondent in favour of respondents 6 to 8.

5. The petitioner gave a complaint to the 1st and 2nd respondents on 12.12.2017 and thereafter several reminders were also sent requesting the respondents to take action against respondents 5 to 8. Since the same did not evoke any response, the present Writ Petition has been filed seeking for appropriate relief.

6. Heard M/s.Vidhya, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Govt. Pleader appearing for the respondents 1,2 and 10 and Mr. Manigopi, learned Govt. Advocate appearing for the respondents 3 and 4.

7. The main grievance that has been expressed by the petitioner is that respondents 5 to 8 who do not have any semblance of right have dealt with the subject property and have created a fabricated settlement deed. The learned

counsel for the petitioner submitted that where a document is void *ab initio*, there is no requirement even to challenge such a document and the law on this issue is well settled. The only grievance expressed by the petitioner is that due to the registration of the fabricated settlement deed, which gets reflected in the encumbrance certificate, the petitioner is not even able to execute a settlement deed in favour of his mother and therefore the present writ petition has been filed seeking for cancellation of the entry made at the time of the registration of the fabricated settlement deed.

8. In the considered view of this Court, the 10th respondent shall conduct an enquiry after affording opportunity to the petitioner and respondents 5 to 9 and action shall be taken in accordance with section 82 and 83 of the Registration Act by passing appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the 10th respondent along with all the relevant documents and also a copy of this order. A copy of the representation shall also be marked to the 2nd respondent.

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

17.12.2020

(1/2)

msr

Index:Yes/no

Internet:Yes/No

To

1. The Inspector General of Registration,
100, Santhome High Road,
Chennai 600 028.
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3. The Tahsildar,
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N. ANAND VENKATESH, J.

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Order in WP.No.19013 of 2020, dt. 17.12.2020

WMP.No.23577 of 2020
in
WP.No.19013 of 2020

N.ANAND VENKATESH, J.

Dispense with ordered.

17.12.2020

(2/2/)



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