

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.18656 of 2020

B.Jayanthi

...Petitioner

Vs.

1 The Inspector General Of Registration
Santhome High Road, Chennai

2 The District Registrar
No.17, Rajaji Street, Chengalpattu H.O.
Chengalpattu 603 001.

3 The Sub Registrar
No.29, South Mada Street
Thiruporur 603 110.

...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to consider petitioner representation dated 13.09.2019 and to take appropriate action as per the Circular issued by the 1st Respondent in Circular No. 41530/ U1/ 2017 dated 08.11.2017 for the fraudulent registration and to cancel the sale deed executed in the sale deed No. 2480/2016.

For Petitioner : Mr.M.Yuvaraj

For Respondents: Mr.T.M.Pappiah
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the second respondent to consider the representation made by the petitioner on 13.09.2019, wherein the petitioner has sought for taking action as per the circular issued by the first respondent dated 08.11.2017 on the ground that the entire registration was a fraud.

2. Heard Mr.M.Yuvaraj, learned counsel for petitioner and Mr.T.M.Pappiah, learned Special Government Pleader for respondents.

3. It is seen from records that the petitioner had executed a Power of Attorney in favour of one Sanyasi on 07.08.2015 and this document was registered on the file of the third respondent. Pursuant to the same, a sale agreement was executed by the agent and it was also registered on the file of the third respondent. The grievance of the petitioner is that the petitioner was not satisfied with the conduct of the agent and therefore, instructed the agent not to proceed with any transaction. Further it seems that the Power of Attorney agent had forged the signature of the petitioner and had produced a life certificate before the third respondent and based on the life certificate, a sale deed came to be registered before the third respondent in Document No.2480/2016. The petitioner was not aware about the sale deed and later came to know of it in the year 2019. The petitioner, therefore, made a representation to the respondents on 13.09.2019 to cancel the sale deed and for taking action in accordance with law. Since the representation was not considered, the present Writ Petition has been filed before this Court.

4. A representation made by the petitioner on 13.09.2019 has two parts to it. The first part is regarding the action to be taken against the agent for having produced a forged life certificate and got the sale deed registered before the third respondent. The second part concerns the registration of the sale deed that took place on the file of the third respondent. Insofar as the second portion of the representation is concerned, the respondents will not have any power or jurisdiction to cancel any document and the petitioner will have to necessarily approach only a competent civil court to cancel the document. However, insofar as the first request made by the petitioner with regard to the fraudulent document being produced at the time of registration is concerned, the second respondent can always act upon his complaint and call the parties for enquiry and pass orders strictly in accordance with law.

5. In view of the above discussions, there shall be a direction to the second respondent to consider the representation made by the petitioner on 13.09.2019 and call for an enquiry and afford opportunity to all the parties concerned and pass final orders strictly in accordance with law 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 second respondent along with all the

relevant documents and also a copy of this order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mra
To

- 1 The Inspector General Of Registration
Santhome High Road, Chennai
- 2 The District Registrar
No.17, Rajaji Street, Chengalpattu H.O.
Chengalpattu 603 001.
- 3 The Sub Registrar
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+1 cc to M/s.M.Yuvaraj, Advocate Sr.No. 40634
+1 cc to the Government Pleader, Sr.No. 41286

W.P.No.18656 of 2020

SRCO)
RMP (19/01/2021)

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