



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 12.8.2021.

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.6651 of 2021

P.Muhamed Farook

Petitioner

vs.

1. The Inspector General of
Registration,
100, Santhome High Road,
R.A.Puram, Chennai 600 028.
2. The Deputy Inspector General
of Registration,
Chennai South,
SIDCO Industrial Estate, Guindy,
Chennai 600 032.
3. The District Registrar (Admn.),
(Chennai South),
SIDCO Industrial Estate,
Guindy, Chennai 600 032.
4. The Sub Registrar,
Guduvancherry,
Chengalpattu District.
5. M.Parthiban

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of mandamus directing the third respondent to delete the entries in Book 1 Index, regarding the bogus documents mentioned above pertaining to the petitioner's property, being vacant plot bearing No.14, Govindarajapuram lay-out, measuring an extent of 3600 sqft. comprised in Survey No.506/2, sub-divided as 506/2D, situated at Nandivaram Village, Chengalpattu Taluk, Chengalpattu District, created by fifth respondent herein.

For Petitioner : Mr.P.K.Sabapathi



For RR1 to 4 : Mr.K.M.D.Muhilan,
Government Advocate

For R5 : Mr.R.Subburaj

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ORDER

The writ petition has been filed seeking a mandamus to direct the third and fourth respondents viz., District Registrar (Chennai South) and the Sub Registrar, Guduvancherry, Chingleput District to delete the entry in connection with the documents created by the fifth respondent M.Parthiban in favour of one Balakrishnan and others in Book 1 Index and in the encumbrance certificate.

2. In the affidavit filed in support of the writ petition, it has been stated that the petitioner is the absolute owner of the property in vacant plot No.14 Govindarajapuram layout measuring 3600 sqft 505/2 subdivided as S.506/2D at Nandivaram Village, Chingleput Taluk and Chingleput District. It has been further stated that the petitioner had applied for patta on 16.6.2006 and the Tahsildar, Chingleput issued a reply on 31.12.2014 stating that the file relating to patta was pending before the District Revenue Officer.

3. In the meanwhile, the 5th respondent appears to have trespassed into the property on 7.12.2014 and therefore, the petitioner had lodged a complaint before the Inspector of Police on the very same day. The petitioner, thereafter, filed O.S.No.692 of 2014 seeking permanent injunction against the fifth respondent Parthiban before the District Munsif Court, Chingleput to protect his possession. An ex parte decree was passed on 2.12.2016 granting the relief of permanent injunction.

4. Thereafter, the Tahsildar, Chingleput passed an order on 26.7.2018 stating that the title of the petitioner was based on documents and that there was an error in issuing patta No.1163 in the name of one Velu. The Tahsildar, Chingleput issued patta bearing No.8543 in the name of the petitioner on 2.8.2018. The Revenue authorities also issued extract of 'A' Register in the name of the petitioner.

5. The petitioner, thereafter claims that the fifth respondent had created several bogus documents to grab the property. He created a release deed dated 5.5.2014 said to have been executed by one Valli and 4 others to himself viz., Parthiban releasing their alleged 5/6 undivided share in the property comprised in S.Nos.506/2D, 506/2G, 506/2I and 506/2J totally measuring an extent of 18 ares at Nandhivaram Village, Chingleput Taluk.



6. Thereafter, the said Parthiban had executed a power of attorney dated 9.5.2014 in favour of one A.Vinothumar and the said document was registered as Document No.6304 of 2014 in the Sub Registrar Office, Guduvancherry. The said Vinothkumar created an agreement of sale dated 22.3.2017 with one K.Saravanan and Raji and this was also registered as Document No.2651 of 2017 in the very same Sub Registrar Office, Guduvanchery. Then, the fifth respondent Parthiban cancelled the power of attorney on 10.6.2019 which document was also registered and created another power of attorney on the same day appointing another individual viz. Thomas as his agent. A cancellation deed was executed on 19.6.2019 and it was also registered and the said power of attorney was also executed only in respect of the property of the petitioner herein viz., Plot No.14 Govindarajapuram layout in S.No.506/2 subdivided as S.No.506/2D Nandhivaram Village. The said Thomas/Power of Attorney agent, then created a bogus sale deed dated 24.6.2019 registered as document No.8271 of 2019 in favour of one Balakrishnan with respect to the property of the petitioner herein. The said Balakrishnan, thereafter, appointed one Madhupriya as his power of agent in Document No. 8272 of 2019 and the said Madhupriya executed a mortgage deed dated 24.6.2019 registered as Document No.8273 of 2019 in the Sub Registrar Office, Guduvanchery in favour of one M.Jain. All these documents relate only to the property of the petitioner herein.

7. The petitioner, thereafter made a complaint to the Inspector General of Registration and the District Registrar (South Chennai) to initiate action against the said persons for creating bogus documents. The third respondent/District Registrar passed an order on 30.7.2018 rejecting the complaint of the petitioner and directed the petitioner to approach the Civil Court.

8. The petitioner filed an Appeal before the Inspector General of Registration, the first respondent herein. The Appeal was heard by the second respondent Deputy Inspector General of Registration and by an order dated 3.9.2019 he had directed the Sub Registrar to make a foot note in the index that the said M.Parthiban and others, who were respondents in the Appeal should not be permitted to present and register any further documents on the basis of bogus documents. The present writ petition has been filed seeking compliance of the said direction by the Sub Registrar.

9. Heard the learned counsel appearing for the petitioner Mr.P.K.Sabapathi , learned Government Advocate Mr.K.M.D.Muhilan for respondents 1 to 4 and Mr.R.Subburaj, learned counsel appearing for the fifth respondent.



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10. A representation was made by the fifth respondent that counter has to be filed. A further representation was also made by the fifth respondent that subsequent purchaser Balakrishnan should also be impleaded as respondent in the present writ petition.

11. In so far as the representation requesting impleading of Balakrishnan, I would straightway reject the same, since the said claim is on the basis of bogus title as determined by the first and second respondents by their orders which stand as on date and the person, who places his claim on the basis of false documents, cannot be permitted to place a similar claim before the court of law.

12. In so far as the request for filing counter is concerned, the writ petition has been pending quite for some time and there had been no occasion to deny opportunity to file counter. It is seen that necessary opportunity for filing counter was provided and despite that, the fifth respondent had not filed counter. When once vakalat is filed, a contract is created between the Advocate and the litigant and if there is no follow up to file necessary counter and if counter is not filed within time, it would only tell upon the conduct of the counsel and the court cannot come to the rescue in that regard.

13. I had an occasion to peruse an order passed by Justice N.Anand Venkatesh in the case of J.Jayaniithaa v. Inspector General of Registration and others (W.P.Nos.18721, 18725 and 18730 of 2020 dated 15.12.2020) which is also reported in 2021 1 CTC 839 wherein, in a similar situation, while dealing with the issue of fraudulent and bogus documents, the learned Judge had observed as under:-

"9. The above stated facts clearly establishes that the 4th respondent and his father do not have any regard for orders passed by any Court or Authority. In spite of failing before the Competent Civil Court, the father of the 4th respondent has executed a Settlement Deed without any semblance of right. It looks as if, the 4th respondent and his father will keep executing documents with regard to the subject property and unfortunately the 3rd respondent is mechanically entertaining the documents and registering the same. There is no provision in the Registration Act which enables the official respondents to cancel any document or any entry made in the records. In a situation like this, expecting the parties to go before the Civil Court every time an illegal document is registered, makes it almost impossible for the real owner of the property to deal with his own property. It is a



deletion of the entries, I would direct the Sub Registrar, Guduvancherry, the fourth respondent herein to register a copy of this order when it is presented for registration.

17. The fourth respondent shall register the same on payment of necessary stamp duty and by implication, this order would indicate that the documents created by Valli and others viz., release deed and subsequent documents created by M.Parthiban are all bogus and do not relate to the property of the petitioner and do not affect the title of the petitioner.

18. The writ petition is disposed of with the above terms. No order as to costs.

Sd/-
Assistant Registrar (CS-IV)

// True Copy//

Sub Assistant Registrar

ssk.

To

1. The Inspector General of
Registration,
100, Santhome High Road,
R.A.Puram, Chennai 600 028.
2. The Deputy Inspector General
of Registration, Chennai South,
SIDCO Industrial Estate, Guindy,
Chennai 600 032.
3. The District Registrar (Admn.),
(Chennai South), SIDCO Industrial Estate,
Guindy, Chennai 600 032.
4. The Sub Registrar,
Guduvancherry,
Chengalpattu District.

+1cc to Mr.P.K.Sabapathi, Advocate, S.R.No.40089
+1cc to the Government Pleader, S.R.No.40800

W.P.No.6651 of 2021

SR(CO)
SU(07/09/2021)