



Power of Attorney who had deceived through the non-construction and not a single brick was laid in the said plot but had dishonestly sold 50% of the undivided share in the property to one Mr. Subash Chand Jain under a Sale Deed dated 20.01.2015 in Document No.198 of 2015 on the file of the SRO, Purusuwalkam, Chennai. Being aggrieved by the fraud played by the said builder in collusion with the said purchaser namely Subash Chand Jain, in registering the sale deed with regard to the 50%, undivided share in the said property, the petitioner along with others has filed a suit in O.S. No.652 of 2016 against the Builder and Purchaser, namely, D. Dinakaran and Subash Chand Jain respectively praying to declare the sale deed dated 20.01.2015 executed by the 1st defendant as Power of Attorney holder of plaintiffs to and in favour of the 2nd defendant vide Document No.198 of 2015, on the file of the SRO, Purusuwalkam, Chennai as null and void and unenforceable, not valid in law and not abiding on the plaintiffs and order it to be delivered up and cancelled, consequently, to send a copy of the decree to the Sub-Registrar office, Purusawalkam and to note on the copy of the Sale Deed and contained in his book and fact of its cancellation.

3. It has further been submitted that this Court by its Judgment dated 15.10.2020 decreed the suit on merit declaring that the sale deed dated 20.01.2015 in document No.198 of 2015 on the file of the SRO, Purusawalkam, Chennai is vitiated by fraud and not binding on the plaintiffs therein. After passing the Judgment and Decree, in order to avoid any further encumbrance from the side of the Builder and the Purchaser, the petitioner had visited the 2nd respondent herein on 15.10.2020 and again on 18.12.2020 and furnished the Web order copy of this Court requesting them to take note of the Judgment and Decree of this Court and make necessary endorsement in the register. However, the 2nd respondent herein instructed the petitioner to submit a certified copy of the Decree and Judgment from this Court instead of Web Copy of the same. Subsequent to the above, the petitioner had obtained the certified copy of the Judgment and Decree on 03.02.2021 from this Court and the same was submitted along with the representation dated 08.02.2021. After submitting the aforesaid representation, the petitioner had personally approached the 2nd respondent herein on 15.02.2021 and furnished the copy of the Judgment and Decree in the said C.S. No.652 of 2016. Even though the 2nd respondent acknowledged the same on the same day, there is no action taken on the representation of the petitioner herein. In furtherance of the above, the petitioner has given a detailed representation on 17.02.2021 to the 1st respondent so as to make the necessary entry based on the Judgment and Decree passed by this Court in the Books of registration of Sale Deed and to endorse the same and consequently, to cancel the said Sale Deed dated 20.01.2015



registered as Document No.198 of 2015 executed by the Builder ie. Mr. D. Dinakaran who is the 1st defendant and the Power of Attorney holder, to and in favour of the purchaser ie. Mr. Subash Chand Jain who is the 2nd defendant in the said suit. Nevertheless the respondents 1 and 2 had acknowledged the said representations submitted by the petitioner herein, had neither replied to the representation nor had they made the said endorsement in their book of Registration as per the order of this Court in the suit in O.S. No.652 of 2016. Under such circumstances, the petitioner was advised to book appointment through online for registration. Even after doing so, the 2nd respondent did not accept the document and refused to complete the registration.

4. The learned counsel for the petitioner further submitted that it is the duty of the 2nd respondent being a Public Authority, to verify the genuineness of the veracity of document submitted for registration and complete the registration on compliance of all the requirements under Law. Failing to entertain or accept a decree and Judgment passed by this Court and refusal to register the same without any valid reason is illegal and against the provisions of the Act. Hence, the petitioner is left with no other alternative and efficacious remedy to approach this Court by invoking its jurisdiction under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the 2nd respondent herein to accept and register the copy of the Decree and Judgment dated 16.10.2020 passed by this Court in C.S. No.652 of 2016 within a time framed fixed by this Court.

5. The learned Government Advocate appearing for the respondents would submit that the petitioner has not produced the copy of the Decree and Judgment dated 15.10.2020 in C.S. No.652 of 2016 passed by this Court before the respondents herein enabling them to pass appropriate orders on the representation made by the petitioner herein in accordance with Law. In view of the failure in the submission of the required documents, the respondents have not taken any action on the representations filed by the petitioner herein. Hence, the petitioner may be directed to produce the relevant Decree and Judgment passed by this Court before the respondents herein for taking further action in this regard.

6. Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents as well as perused the materials available on record.

7. Having considered the fact and circumstances of the case and submissions made by the learned Government Advocate, the petitioner is directed to produce the copy of the Decree and



Judgment dated 15.10.2020 in C.S. No.652 of 2016 passed by this Court before the respondents herein along with copy of the representations which are said to have already been submitted to them, within a period of two weeks from the date of receipt of copy of this order and the respondents herein, shall consider the representations of the petitioner within a period of Eight weeks from the date of receipt of copy of the Decree and Judgment dated 15.10.2020 passed by this Court along with representations of the petitioner herein.

8. With the aforesaid directions, this Writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Lbm

To:

1. The Inspector General of Registration,
Registration Department,
Santhome, Chennai.
2. The Sub-Registrar,
Registration Department,
Purusawalkam, Chennai

+2ccs to Mr.M.Kempuraj, Advocate, S.R.No.43804
+1cc to the Government Pleader, S.R.No.44243

W.P.No.14075 of 2021

RGN(CO)
CS/12/10/2021