



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

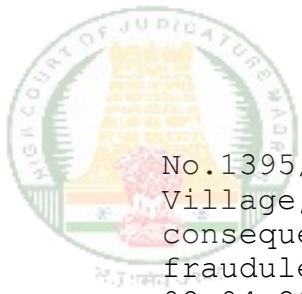
W.P.No.17522 of 2021
and W.M.P.No.18623 of 2021

1. S. Ravi
2. Nalini Ramdas
3. S. Sridhar also known as Sridhar Subramanyam
4. Malini Chandrasekhar
5. S. Vasanthi also known as Vasanthi Ravi ...Petitioners

Versus

1. The Inspector General of Registration,
No.100, Santhome High Road,
Mullimanagar, Raja Annamalaipuram,
Chennai - 600 028.
2. The District Registrar,
Registration Department,
Chengalpattu District,
10, Kancheepuram Main Road,
Chengalpattu - 603 002.
3. The Sub-Registrar Office,
Registration Department,
No.29, South Mada Street,
Thirupporur - 603 110.
4. The Superintendent of Police,
Land Grabbing Cell,
Chengalpattu.
5. K. Subramaniyan
6. M. Vinayagam
7. J.M. Aneez ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 to conduct an enquiry and take action against the respondents 5 to 7 in accordance with law based on the petitioners' representations dated 11.08.2020 and 19.04.2021 in respect of the fraudulent transactions made in the petitioners' property situated at Plot Nos.62 and 63, comprised in Survey



No.1395/D, situated at "Sri Swaminatha Nagar", Thaiyur-B-Village, Thirupporur Taluk, Chengalpattu District and consequently, to direct the respondents 2 & 3 to cancel the fraudulent documents viz., the Power of Attorney, dated 08.04.2019 registered as Document No.4570 of 2019 and sale agreement dated 18.11.2019 registered as Document No.15984 of 2019 in pursuance of the recent circular dated 09.07.2021 bearing reference No.20217/U1/2021 issued by the 1st respondent.

For Petitioner : Mr. P.R. Raman,
Senior Advocate
For Mr.A. Umasankar

For RR 1 to 4 : Mr. Yogesh Kannadasan,
Government Advocate.

ORDER

This writ petition is filed for issuance of direction to the respondents 1 to 4 to conduct an enquiry and take action against the respondents 5 to 7 in accordance with law, based on the petitioners' representations dated 11.08.2020 and 19.04.2021 in respect of the fraudulent transactions made in the petitioners' property situated at Plot Nos.62 and 63, comprised in Survey No.1395/D, situated at "Sri Swaminatha Nagar", Thaiyur-B-Village, Thirupporur Taluk, Chengalpattu District and to direct the respondents 2 & 3 to cancel the fraudulent documents viz., the Power of Attorney, dated 08.04.2019 registered as Document No.4570 of 2019 and sale agreement dated 18.11.2019 registered as Document No.15984 of 2019 in pursuance of the recent circular dated 09.07.2021 bearing reference No.20217/U1/2021 issued by the first respondent.

2. The case of the petitioners is that the petitioners are the absolute owners of the property being vacant land bearing Plot Nos.62 and 63, comprised in Survey No.1395/D, situated at "Sri Swaminatha Nagar", Thaiyur-B-Village, Thirupporur Taluk, Chengalpattu District, measuring to an extent of 25523 sqft., of land as per old Patta No.3569 and present Patta No.3744 and as per present patta the survey number was Sub Divided into S.No.1395D/236, they having obtained the same by way of a Release Deed, dated 03.03.2020 in their favour, duly registered as Document No.5355/2020 on the file of SRO, Thirupporur, executed by S.Leelavathi and S.Kumar, who are the mother and brother of the petitioners herein. Since then the petitioners herein have been in uninterrupted possession and enjoyment as joint owners/pattadars of the property. The subject property was purchased by the petitioners' father viz., K.Subramaniam, by a registered sale deed dated 24.06.1966 from one T.S.Swaminathan through his hard earned money. Subsequently, he



died intestate on 23.07.1991 leaving behind his wife S.Leelavathi, and his sons. Thereafter, the petitioners had obtained legal heirship certificate on 04.10.1991 from the Tahsildar, Mylapore Taluk, Chennai. After the demise of K.Subramaniam, the petitioners' mother Mrs.S.Leelavathi and the brother of the petitioners' herein viz., S.Kumar who had 1/7th share each over the subject property, due to their old age and in order to relinquish their respective shares, have executed a Release Deed on 03.03.2020 before the third respondent in favour of the petitioners and thus, the petitioners became the absolute owners having 1/5th undivided share over the subject property. It is submitted that on 22.02.2020 while applying the encumbrance certificate for the period from February 2018 to February 2020, it appears that there is no encumbrance and hence, the aforesaid release deed was allowed to be executed in favour of the petitioners and a joint patta bearing No.3744 for the subject property was also issued in the name of the petitioners. Thereafter, during the Covid-19 lockdown period, around July 2020 that some strangers were started taking measurements in the subject property. Immediately, when the petitioners made an enquiry with the third respondent office, it was revealed that the respondents 5 & 6 herein had fraudulently created a registered Power of Attorney over the subject property and had inturn registered a sale agreement in favour of the 7th respondent by using the name of the petitioners' deceased father. However, after obtaining the copies of the Power of Attorney and sale agreement from the third respondent office, it was found that the 6th respondent herein had created Power of Attorney dated 08.04.2019 registered as Document No.4570 of 2019 wherein it is stated that the 5th respondent herein had appointed one 6th respondent herein as his power agent and thereby authorized him inter-alia to sell the subject property to anyone. After the execution of Power Deed, the 6th respondent had executed the sale agreement dated 18.11.2019 registered as Doc.No.15984 of 2019 before the third respondent office in favour of the 7th respondent herein. When the petitioners saw the copies of the Power Deed and Sale Agreement, it was found that the petitioners' father's name and photo have been impersonated by the respondents 5 to 7 herein and thereby fabricated all the annexure and forged the signature of the petitioners deceased father K.Subramanyam. The 5th respondent's name is K.Subramanian and the petitioner's deceased father name is K.Subramanyam and he died on 23.07.1991. Subsequently, the aforesaid Power Deed and Sale Agreement were fraudulently executed on 08.04.2019 and 18.11.2019. Therefore, the 5th respondent who had colluded with the respondents 6 & 7 herein to grab the petitioners' property. In this regard, the petitioners sent a detailed representation on 11.08.2020 along with the copies of documents including the forged documents before the respondents 2 to 4 to take necessary action against the



respondents 5 to 7, but no steps was taken by the respondents 2 to 4 based on the petitioner's complaint dated 11.08.2020, 19.04.2021. Hence, the petitioner has come forward with the present writ petition before this Court.

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3. The learned counsel appearing for the petitioners submitted that the petitioners will be satisfied if a direction is issued to the respondents 1 to 4 to consider the petitioners' representation dated 11.08.2020 and 19.04.2021 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioners in the present writ petition, the Writ Petition is disposed of, with a direction to the respondents 1 to 4 to consider the petitioners' representation dated 11.08.2020 and 19.04.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioners and respondents within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Mullimanagar, Raja Annamalaipuram,
Chennai - 600 028.
2. The District Registrar,
Registration Department,
Chengalpattu District,
10, Kancheepuram Main Road,
Chengalpattu - 603 002.
3. The Sub-Registrar Office,
Registration Department,
No.29, South Mada Street,
Thirupporur - 603 110.



4. The Superintendent of Police,
Land Grabbing Cell,
Chengalpattu.

+1cc to M/s.C.Seethapathy, Advocate, S.R.No.41920

+1cc to the Government Pleader, S.R.No.42311

W.P.No.17522 of 2021
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JP-II[co]
NSK 28/09/2021