



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.17781 OF 2021
AND W.M.P.NO.18964 OF 2021

Bagavath Singh

... Petitioner

.Vs.

1. The Inspector General of Registration,
100, Santhome High Road,
Pattinapakam, Chennai.
2. The District Registrar,
Chennai (North Registration District),
Kuralagam,
Kuralagam Building 1st Floor,
Parrys, Chennai.
3. The Sub Registrar,
No.7, Raja Nagar,
Madhavaram, Chennai - 600 060.
4. The Special Tahsildar,
Urban Land Tax Scheme,
Madhavaram.
5. M.Sathiyakumar
6. D.Velu

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to forbear the third respondent from causing any further encumbrance based on the purported sale agreement dated 03.11.2020 registered as Doc.No.5227/2020 on the file of third respondent on the petitioner's property more fully described in Schedule property.

For Petitioner : Mr.J.Sudhakaran
For Respondents : Mr.Yogesh Kannadasan
Government Advocate - R1 to R4
: R5 - Not ready in notice



ORDER

This writ petition has been filed for a mandamus to direct the third respondent from causing any further encumbrance based on the purported Sale Agreement dated 03.11.2020 registered as Document No.5227/2020 before the respondent on the petitioner's property more fully described in schedule property.

2.The case of the petitioner is that the petitioner is the owner of the property to an extent of 30 1/2 cents in S.No.875/1 and 29 1/2 cents in S.No.875/2A, situated in No.1, Lotus Colony, Madhavaram.

3.The petitioner submits that he had purchased the above said property vide Sale Deed dated 16.03.1990 registered as Document No.1040 of 1990 before the Sub Registrar, Sembiam and he has been in absolute possession and enjoyment of the said property for the past 30 years.

4.The petitioner further submits that the fifth respondent has been often visiting his property along with rowdy elements trying to grab the said property from the year 2016 onwards without any valid documents either on possession or on title.

5.According to the petitioner, the fourth respondent had issued notice to him in Na.Ka.No.25/2016/m1, dated 12.08.2016 directing him to appear on 22.08.2016 stating that the said Sathiyakumar had applied for patta in respect of the subject property.

6.The petitioner submits that the manner in which the enquiry was conducted by the fourth respondent in respect of the subject property was apprehensive, in biased manner so as to help the fifth respondent to obtain patta in his favour.

7.The petitioner further submits that he had filed a writ petition for writ of mandamus forbearing the fifth respondent for conducting enquiry in the aforementioned Na.Ka.No.25/2016 m1/dated 14.09.2016 and consequently to transfer to some other officer and in the said writ petition in W.M.P.No.28761 of 2016, this Court pleased to stay all further proceedings of the enquiry of the fourth respondent for issuance of patta in favour of the fifth Respondent on apprehending the manner in which the fourth respondent conducted enquiry.

8.According to the petitioner, he had also separately filed a writ petition in W.P.No.36973 of 2016 for writ of certiorari calling for the records of the fifth respondent in Na.Ka.No.25/2016 m1/dated 14.09.2016 and quash the same, the



said writ petition came up for hearing on 01.11.2016 and this Court was pleased to admit the same and the same is pending before this Court and the fifth respondent was the respondent in the said writ petition and has been duly served notice as per the direction of this Court.

9.The petitioner submits that he had also filed a criminal original petition in CrI.O.P.No.1062 of 2017 before this Court seeking Police protection from the Police Authority concerned against the fifth respondent and in the above Criminal Original Petition, this Court was pleased to order the same, directing the Police Authority to provide necessary Police protection on complaint being given to the Police Authority.

10.The petitioner further submits that the fifth respondent's father allegedly in the year 2018 before the fourth respondent has applied for patta and the fourth respondent has issued extract in TSLR No.7 in Block No.0035 pertaining to the subject property in S.No.875/1 and the act of the fourth respondent in issuing TSLR No.7 in favour of the fifth respondent's father is completely in violation of order in W.M.P.No.28761 of 2016 in W.P.No.33284 of 2016.

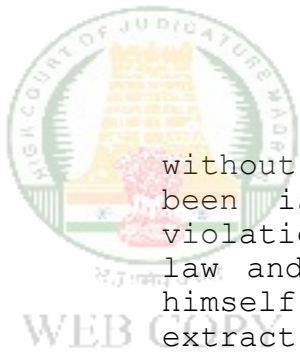
11.According to the petitioner, the said fifth respondent's father is stranger to the subject property and he does not have scrap of paper to show that he is in possession of his property and also on title of his property.

12.The petitioner submits that admittedly the fifth respondent's father died, prior to the issuance of extract from TSLR No.7 dated 29.10.2018, even as per admitted documents i.e. in the death certificate and in the Sale Agreement of the fifth respondent and the fourth respondent didn't have respect to the order of this Court in the above said writ petition and the order in the above WMP is still in force even as on today from the year 2016.

13.The petitioner further submits that the fifth respondent through his Power of Attorney agent has unlawfully entered into a Sale Agreement dated 03.11.2020 with the third party viz., the sixth respondent herein and the same has been registered as Document No.5227/2020 before the third respondent.

14.According to the petitioner, the fifth respondent's father died in the year 1980 as per the death certificate and in the Sale Agreement, the fifth respondent through Power of Attorney has stated that his father died in the year 2012.

15.The petitioner submits that after the extract from TSLR without notice being issued to him and enquiry being conducted



without affording opportunity to him, the extract from TSLR has been issued to a dead person, the same is completely in violation of principles of natural justice and also non-est in law and therefore, it is for the fourth respondent to justify himself as to how the fifth respondent's father is entitled for extract of said TSLR.

16.The petitioner further submits that he had filed a writ petition in W.P.No.15776 of 2021 before this Court seeking to quash the said extract from TSLR in which this Court was pleased to order to the respective parties and the same is pending and he had also filed a contempt petition before this Court against the fourth respondent in Contempt SR.No.64982 of 2021.

17.According to the petitioner, the fifth respondent has intentionally made false statement before the third respondent, the same is reflected in the third paragraph of the Sale Agreement itself, as the fifth respondent has stated in the Sale Agreement that his father has obtained patta in his favour in Old No.875/1 (T.S.No.7) Block No.35, Ward C and died on 08.05.2012 itself, however the date of extract from TSLR in Old No.875/1 (T.S.No.7), Block No.35, Ward C is only on 29.10.2018.

18.The petitioner submits that on the basis of the false statement made by the fifth respondent before the third respondent pertaining to obtaining of patta in favour of dead person viz., the fifth respondent's father, the aforementioned Sale Agreement was registered on 03.11.2020 in Document No.5227/20 before the third respondent, thus the fifth respondent executed the said Sale Agreement in favour of the sixth respondent before the Registering Officer i.e. third respondent.

19.The petitioner further submits that the said fifth respondent has by making a false statement fraudulently registered the Sale Agreement dated 03.11.2020 executed between him and the seventh respondent in Document No.5227/2020 before the third respondent.

20.According to the petitioner, he had given representation on 07.08.2021 and on 17.07.2021 and also he had given protest letter dated 09.08.2021 to the third respondent enclosing all the documents supporting his claim and the receipt for the same has also been issued to him by the third respondent.

21.The petitioner submits that the said fifth respondent is making attempts to execute the Sale Deed and register the same before the third respondent in favour of the sixth respondent or his agent or anybody through or under him, once the fifth respondent executes the Sale Deed in favour of the sixth



respondent, then the rights of the petitioner will be in jeopardy.

22.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

23.Heard learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 4 and perused the materials available on record.

24.In view of the above facts and circumstances of the case and considering the submission made by the petitioner, this Court directs the second respondent to conduct enquiry and pass appropriate orders in accordance with law after affording opportunity to all the parties concerned within a period of four months from the date of receipt of a copy of this order.

25.With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam, Chennai.
2. The District Registrar,
Chennai (North Registration District),
Kuralagam,
Kuralagam Building 1st Floor,
Parrys, Chennai.
3. The Sub Registrar,
No.7, Raja Nagar,
Madhavaram, Chennai - 600 060.



4. The Special Tahsildar,
Urban Land Tax Scheme,
Madhavaram.

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+1cc to Mr.J.Sudhakaran, Advocate, S.R.No.48756
+1cc to the Government Pleader, S.R.No.49514

W.P.No.17781 of 2021

NRL (CO)
PM/13/12/2021