



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2021

WEB COPY

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No. 17583 of 2021

K.Palayamuthu.

...Petitioner

Versus

1. The Inspector General of Registration
Santhome, Chennai - 600 028.
2. The District Registrar,
Chennai (South)
No.9, Jennis Road, II Floor
Saidapet, Chennai - 600 015.
3. The Sub Registrar,
Neelankarai.
4. Babu Thomson.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the 2nd respondent to conduct an enquiry into the complaint of the petitioner, dated 29.06.2021 in terms of circular dated 31.07.2018 and consequently, declare the registration entry of the forged settlement deed dated 21.07.2016 registered as doc No. 5404/2016 on the file of the third respondent and the consequent documents as fraudulent and consequently to make necessary entries in the books for the purpose of reflecting in the Encumbrance certificate.

For Petitioner : Mr.D.Bharatha Chakravarthy

For RR 1 to 3 : Mr. Yogesh Kannadasan
Government Advocate
ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the 2nd respondent to conduct an enquiry into the complaint of the petitioner dated 29.06.2021 in terms of circular dated 31.07.2018 and consequently, to declare the registration entry of the forged settlement deed dated 21.07.2016 registered as doc No. 5404/2016 on the file of the



third respondent and the consequent documents as fraudulent and consequently to make necessary entries in the books for the purpose of reflecting in the Encumbrance certificate.

2. According to the petitioner, the petitioner's deceased father has purchased a property measuring an extent 14 3/4 cents of dry land situated in the larger extent land of 59 cents in Survey No.165 of 15B, No.146, Injambakkam Village, (earlier under St.Thomas Mount Panchayat Union), Saidapet Sub District, Chennai Registration District from S.R.Damodharan, Kandhan, Subramani, Gopal and Saravanan on 14.12.1979 registered as Document No.3212 of 1979 on the file of Joint Sub Registrar Office, Saidapet, Chennai. Meanwhile, the petitioner's father died on 14.05.1996 and the petitioner became 1/8th owner in the aforesaid property. While so, the petitioner's family members along with 4th respondent have approached the 3rd respondent/Sub Registrar, Neelankarai and executed the deed of settlement fraudulently, dated 21.07.2016, which was registered vide Document No.5404 of 2016 by forging the petitioner's signature. In this regard, the petitioner made a private complaint before the learned Judicial Magistrate No.I, Alandur. After completion of enquiry, the Court has taken cognizance of the complaint in C.C.No.177/2021 for the offences under Sections 200 of CrPC and under Sections 120B, 406, 419, 420, 465, 468, 471 and read with Section 34 IPC against the 4th respondent and others. Subsequently, the petitioner has approached before the 2nd respondent/District Registrar requesting him to conduct an enquiry on the complaint of the petitioner dated 29.06.2021 and to declare the above transaction registered as Doc.No.5404 of 2016 before the 3rd respondent, Neelankarai as fraudulent and to direct the 3rd respondent to make necessary entries in the books so that the same is reflected in the Encumbrance Certificate. However, the 2nd respondent did not conduct any enquiry on the complaint filed by him. Hence, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 2nd respondent to consider the petitioner's complaint dated 29.06.2021 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 complaint or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 2nd respondent to conduct an enquiry into the complaint of the petitioner dated 29.06.2021 in terms of



Circular dated 31.07.2018 on the plea, to declare the registration entry of the forged settlement deed dated 21.07.2016 registered as Document No.5404 of 2016 on the file of the 3rd respondent and the consequent documents as fraudulent and consequently, to make necessary entries in the books for the purpose of reflecting in the encumbrance certificate and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner 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 VII)

//True Copy//

Sub Assistant Registrar

msm
To

1. The Inspector General of Registration
Santhome, Chennai - 600 028.
2. The District Registrar,
Chennai (South)
No.9, Jennis Road, II Floor
Saidapet, Chennai - 600 015.
3. The Sub Registrar,
Neelankarai.

+lcc to Mr.T.Saikrishnan, Advocate Sr.41888
+lcc to the Government Pleader Sr.42313

W.P.No. 17583 of 2021

vbm[co]
srg 06/10/2021