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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO. 17677 OF 2021

S. Geetha

..Petitioner

Versus

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

2.The District Registrar,
Salem (West),
Salem District.

3.The Sub Registrar,
Omalur.

4.Mallika,

5.Govindaraj

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to enquire and pass appropriate orders on the petitioner's representations dated 29.04.2021, 19.07.2021 and 14.08.2021.

For Petitioner : Mr.R.Marudhachalamurthy

For R1 to R3 : Mr.Yogesh Kannadasan
Government Advocate



O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus, directing the 2nd respondent to enquire and pass appropriate orders on the petitioner's representations dated 29.04.2021, 19.07.2021 and 14.08.2021.

2. The case of the petitioner is that the property in S.F.No.207/2A and 2B measuring to an extent of 2.29 acres situated at Semmandapatty Village, Omalur Taluk now at Kadaiyampatty Taluk, Salem District. Originally, the Survey No.207/2 is belonging to one Pappammal and Varadhammal and they have owned 2.29 acres of land by way of registered sale deed, dated 07.01.1949 vide Doc.No.28 of 1949. The above said Pappammal and Vardhammal are equally right over the said property and Pappammal had purchased half share of Varadhammal from the above said survey numbers vide registered sale deed dated 28.08.1958 as Doc.No.2406/1958 and thereby Pappammal became the absolute owner to the entire extent of 2.29 acres. Thereafter, Pappammal had executed settlement deed dated 03.05.1980 in favour of her daughter Rajammal, registered as Doc.No.1057 of 1980 and subsequently, she was enjoying the said property by muting revenue records in her name, and later, she died on 12.02.2006. After the demise of Rajammal, her legal heirs were decided to sell the property and thereby executed a Power of Attorney to and in favour of one Babu vide Doc.No.104 of 2006, dated 21.02.2006. The petitioner herein purchased the said property from the legal heirs of the deceased Rajammal for valid consideration by way of sale deed dated 01.10.2009 executed in favour of the petitioner in respect of the said property measuring to an extent of 2.29 acres registered as Doc.No.6150 of 2009 on the file of SRO, Omalur and consequently, she became the owner of the said property. After purchasing the aforesaid land, the petitioner has approached the Tahsildar, Omalur, to mute the patta in her name, patta No.1224 has also granted in her favour by the Revenue officials after verifying the revenue records. Following the same, the petitioner constructed a house and got all taxes and obtained electricity service connection in her name. All of a sudden, the deceased Rajammal's brothers' son and daughter namely respondents 4 & 5 approached the 2nd respondent/Registrar with request to cancel the patta as if they are right over the property and there was a patta issued in favour of their predecessors in the UDR scheme in respect of the said property. Subsequently, the respondents 4 & 5 had filed a suit before the Sub Court, Omalur, and the same is pending for further adjudication. Even though they are not owner of the above properties, they created a family arrangement fraudulently on 04.02.2011 and 10.05.2011 vide Doc.Nos. 989 of 2011 and 4333 of 2011 on the file of 3rd



respondent. The 3rd respondent/Sub Registrar without ascertaining their title and encumbrance had erroneously entertained the said documents and registered in their favour. Based on the registered forged documents, the respondents 4&5 for selling the aforesaid property belonging to her to third parties vide Doc.No.315 of 2021 before the 3rd respondent herein. Subsequently, the petitioner lodged a criminal complaint against the respondents 3 to 5 before the District Crime Branch, Salem, and the same was registered for the offences u/s.120B, 468, 471, 420 and 506(i) of IPC in Crime No.02 of 2021, dated 24.03.2021 and the same is pending for enquiry as against the respondents 3 to 5. Thereafter, the petitioner approached the respondents 1 & 2 who are the competent authority to decide the fraudulent documents created by the respondents 3 to 5, but no action has been taken by the respondent officials. In the meanwhile, the aforesaid representation was forwarded to the 1st respondent/Deputy Inspector General of Registration, Salem and in turn, the 2nd respondent vide his letter No.2197/A1/2021, dated 08.06.2021 for appropriate action. Even after receipt of the communication from the 1st respondent department, the 2nd respondent reluctant in taking action as against the 3rd respondent and no communication on the petitioner's representation dated 29.04.2021 and 19.07.2021. The 2nd respondent neither obey the order of this Court in W.P.No.20527 of 2014 nor obey the Government Order in G.O.Ms.No.99 and kept pending on the petitioner's representation dated 29.04.2021, 19.07.2021 and reminder petition dated 14.08.2021, in view of the delay on the part of the 2nd respondent in considering her petitions pave the way to create further encumbrance on her property by the respondents 4&5. Hence, the petitioner has come forward with the present writ petition before this court.

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 representation dated 29.04.2021, 19.07.2021 and 14.08.2021 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 petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 2nd respondent to consider the petitioner's representation dated 29.04.2021, 19.07.2021 and 14.08.2021 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.

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Sd/-
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

msm

To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

2.The District Registrar,
Salem (West),
Salem District.

3.The Sub Registrar,
Omalur.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.42385

+1cc to the Government Pleader, S.R.No.43062

W.P.No.17677 of 2021

AD(CO)
RLP(24/09/2021)