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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.19253 of 2021

R.Sonali Shah

... Petitioner

Vs.

The District Registrar (Admin),
Chengalpattu,
Chengalpattu District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the respondent to take appropriate action in terms of letter dt. 27.04.2021 and the circular No.41530 action/ul/2017 dt. 8.11.2017 and the Representation made by the petitioner on 04.08.2021 for cancellation of the forged documents registered on the file of the Sub Registrar Thirukalukundram pertaining to the lands belonging to the petitioner situated at Vallipuram Village, Chengalpattu Taluk, Chengai MGR District within a time frame to be fixed by this Court.

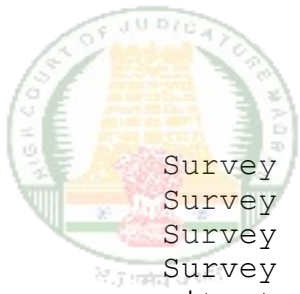
For Petitioner : Mr.S.Sethuraman

For Respondent : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This writ petition has been filed for a Mandamus to direct the respondent to take appropriate action in terms of letter dated 27.04.2021 and the circular No.41530 action/ul/2017 dated 8.11.2017 and the Representation made by the petitioner on 04.08.2021 for cancellation of the forged documents registered on the file of the Sub Registrar Thirukalukundram pertaining to the lands belonging to the petitioner situated at Vallipuram Village, Chengalpattu Taluk, Chennai MGR District within a time frame.

2.The case of the petitioner is that she is the absolute owner of the property situated at No.31, Vallipuram Village, Chengalpattu Taluk, Chengai MGR District measuring 10 acres of land comprising in property comprised in Survey Nos.270/1, R.S.No.271/1, Survey No.270/2, Survey No.272A/2B, Survey No.272A/3, Survey No.268, Survey No.269/1, Survey No.269/2, Survey No.76/1A, Survey No.76/1B,



Survey No.76/2, Survey No.76/3A, Survey No.76/3B, Survey No.75, Survey No.76/1B, Survey No.76/2, Survey No.76/3A, Survey No.76/3B, Survey No.75, Survey No.74/1, Survey No.64/4, Survey No.64/5, Survey No.65, Survey No.66, Survey No.67/1 and Survey No.68/2 situated within the Sub Registration District of Thirukkazhukundram Registration District of Chengalpet.

3.The petitioner submits that the said property being agricultural land by way of Sale Deed dated 06.05.1996 registered as Document No.1241/1996 in the office of Sub Registrar, Tirukazhukundram for a valid consideration from Rose Mary, V.R.Senguttuvan, K.VedachalaMudaliar, D.Ezhumalai, D.Paramasivam, S.Pannerselvam, P.Devaki, A.Chithrai, A.Murugesan, A.Chellappan, A.Rathinammal, S.Ramkumar, S Sivakumar, Raghavan, Saroja, S.Packirisamy, M.Murugan, V.Manickam, E.Andal, Muniammal, Thirunavukkarasu, Sri RamalingasamySevaNilayam Trust, K.Thangappan, G.Vasudevan, G.Ganesan represented by Power of Attorney S.Prem Kumar and S.Premkumar for a valid consideration of Rs.3,62,269/- and after purchase of the property, patta has been transferred in her favour as Patta No.430 and ever since then, she is in possession and enjoyment of the property till date.

4.According to the petitioner, as long as her father was alive, he was directly monitoring agricultural activities by employing a watchman/caretaker. After his dead, she employed a care taker to take care of the cultivation of the land to maintain the land on her till date and for the purpose of filing Income Tax return, her auditor advised to obtain the Encumbrance Certificate pertaining to the suit property and accordingly, she applied for the Encumbrance Certificate for the period from 1.1.2009 to 27.03.2019.

5.The petitioner submits that she was shock to know that on 02.05.2017, Power of Attorney purported to have been executed by her in favour of G.Muthukumar, the said Power of Attorney has been registered in the Office of the Sub Registered, Tirukazhukundram as Document No.1315/2007 and Encumbrance Certificate further revealed that based on the Power of Attorney, a mortgage deed has been created by Vinayaka Acharya in favour of Mr.R.Balu, the said mortgage deed has been created for alleged borrowing of Rs.50,000/- and has been registered as Document No.1319/2017 on 2.5.2017, the said mortgage has been discharged on 07.07.2017 and a discharge receipt has been registered as Document No.2094/2017 on 07.07.2017.

6.The petitioner further submits that the said G.Muthukumar on the basis of the fraudulent Power of Attorney as well as one Alok Sanyal sold an extent of 4.99 acres sold an extent of 3.99 acres belonging to her and one acre belonging to Alok Sanyal by a common Sale Deed in favour of one Ramakrishna Prabhu represented by his Power Agent Indhira by a Sale Deed dated 10.07.2017, registered as Document No.2105/2017 before the SRO, Thirukazhukundram for a sale consideration of Rs.30,43,900/- G.Muthukumar and Mr.K.Balu in collusion with Mr.C.Rajendran created yet another Sale Deed dated 8.8.2017 registered as Document No.2599 of 2017 in favour of



Mr.C.Rajendran sold an extent of 2 acre 10 cents.

7.According to the petitioner, the said Rajendran has in burn sold the 2 acres 10 cents to Mr.Ponnusamy on 14.06.2018 by Document No.2258/2018 on the file of the Sub Registrar Thirukalukundram and another Sale Deed dated 23.08.2017 registered as Document No.2765/2017 was executed in favour Sankareswaran conveying an extent of 3 acres 91 cents and all the above transactions have been done in collusion with the Sub Registrar, Thirukalukundram and a lawyer by name Perumal of Cheyyar.

8.The petitioner submits that on coming to know the fraudulent transactions, she gave complaint dated 24.04.2019 to the District Collector, Kancheepuram District, Commissioner of Police, Superintendent of Police, Kancheepuram and Inspector General of Registration, Chennai about the fraudulent execution of document and registration of the same by the Sub Registrar, Thirukazhukundram without property verifying the credentials of the party and also verifying the originals of the documents.

9.The petitioner further submits that the Inspector of Police, Tirukazhukundram Police Station and Anti Land Grabbing Cell had registered an FIR and sent a copy to the Judicial Magistrate Court, Chengalpattu for further action as per law.

10.According to the petitioner, initially she was under impression that only 2.10 acres has been sold, but upon verification of the entire documents and the Encumbrance Certificate and upon legal advice, she came to know that the entire 10 acres has been sold and therefore, she gave another complaint on 25/26.11.2019 to the Inspector of Police, Anti Land Grabbing Cell and her complaint has been registered in C.C.No.17 of 2021 dated 26.02.2021 on the file of the Judicial Magistrate No.2 Chengalpet.

11.According to the petitioner, she apprehend the Sub Registrar of SRO Thirukazhukundram is also involved in the registration of these fraudulent documents by taking a huge bribe and therefore, she made representation to the respondent requesting to investigate into the matter on the basis of the aforesaid documents also along with the complaint given by her and FIR registered on 27.02.2019 and retrieve the lands belonging to her from the land grabbers.

12.The petitioner submits that she had given a complaint in this regard on 24.08.2018, 27.01.2019 and 06.01.2021, no action was taken by the Inspector General of Registration and therefore, she filed a writ petition in W.P.No.6035 of 2021 on the file of this Court, however, this Court was not inclined to entertain the same as civil case was pending with regard to the same issue on the file of the Civil Court at Chengalput.



13. According to the petitioner, she made representation dated 25.03.2021 pursuant to the law laid down by this Court that the District Registrar themselves can cancel the fraudulent documents and the Circular issued by the I.G of registration in this regard and after receipt of her representation dated 25.03.2021, the Inspector General of Registration has directed the respondent by letter dated 27.04.2021 to take appropriate action in terms of the circular No.41530 action/u1/2017 dated 08.11.2017 and a copy of the letter was marked to her.

14. The petitioner further submits that on receipt of the said letters, she requested the respondent to expedite the matter and cancel the following forged and fabricated documents:

(i) Power of Attorney dated 02.05.2017 registered as document No.1315 of 2017 on the file of Sub Registrar Office, Thirukazhukundram.

(ii) Sale Deed dated 10.07.2017 registered as Document No.2105 of 2017 on the file of Sub Registrar Office, Thirukazhukundram.

(iii) Sale Deed dated 08.08.2017 registered as Document No.2599/2017 on the file of SRO Thirukalukundram.

(iv) Sale Deed dated 23.08.2017 registered as Document No.2765 of 2017 on the file of Sub Registrar, Thirukazhukundram.

(v) Sale Deed dated 14.06.2018 by Document No.2258/2018 on the file of Sub Registrar Thirukalukundram.

15. 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.

16. Heard, learned counsel for the petitioner and the learned Government Advocate for the respondent and perused the materials available on record.

17. On going through the typed set of papers, it is seen that all the properties have been sold by the Power of Attorney and the same has to be cancelled only by the appropriate Court of law by setting aside the documents as null and void by letting in appropriate evidence but regarding the forgery committed the Power of Attorney only an enquiry can be conducted by the Authorities but no orders can be issued for cancelling the said document.



18. In view of the above facts and circumstances of the case and the submission made by the petitioner, this Court is of the view the District Registrar is hereby directed to conduct an enquiry to find out whether appropriate procedures have been followed by the said Sub Registrar while registering the documents in accordance with law within a period of four months from the date of receipt of a copy of this order. No costs.

pam

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The District Registrar (Admn),
Chengalpattu,
Chengalpattu District.

+1 C.C. TO M/S.S.SETHURAMAN, ADVOCATE SR.NO.46747/2021

+1 C.C. TO GOVERNMENT PLEADER, SR.NO. 47170/2021

W.P.No.19253 of 2021

VSN-II (CO)
DV (20/10/2021)