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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P. Nos. 19734 ad 19737 of 2021
and

W.M.P. No. 21005 of 2021

1. K.Kamala
2. Lalitha Surana
3. Mamtha Chajjed
4. Samtha Kothari
5. Santhosh Taleda
6. Pinky Kothari
7. K.Vishal ... Petitioners in W.P. No. 19734 of 2021
- Santhosh Taleda ... Petitioner in W.P. No. 19737 of 2021

-vs-

1. The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalaipuram, Chennai-600 028.
2. The District Registrar (Administration),
Assistant Inspector General of Registration
South Chennai,
District Registrar (Villupuram),
AC 1 to 48, Todd Hunter Nagar,
Nandanam, Chennai- 600 015.
3. The Sub Registrar,
Chennai South Joint-I,
AC 1 to 48, Todd Hunter Nagar,
Nandanam, Chennai - 600 015.
4. Rajammal



5. Kuppusamy

6. N. Neelavathy

7. J. Nandhagopal

8. N. Anandan

9. N. Manivannan

10. N. Jayanthi

11. K. Vasantha

12. G. Monaharan

... Respondents in both W.Ps'

COMMON PRAYER : Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the third respondent to commence prosecution under Section 83 of the Indian Registration Act, against the respondents 4 to 12 pursuant to the proceedings of the second respondent in Na.Ka.No.1016/E2/2021 dated 06.05.2021 within a time frame as fixed by this Hon'ble Court.

For Petitioners

in both W.Ps'

:

Mr.G.Krishna Kumar

For Respondents

in both W.Ps'

:

Mr.Yogesh Kannadasan
Government Advocate
for R1 to R3

C O M M O N O R D E R

These Writ Petitions have been filed to direct the third respondent to commence prosecution under Section 83 of the Indian Registration Act, against the respondents 4 to 12 pursuant to the proceedings of the second respondent in Na.Ka.No.1016/E2/2021 dated 06.05.2021 within a stipulated time.

2. The short facts which are required to be noticed for the disposal of these Writ Petitions are as follows:

(i) The subject property in W.P. No. 19734 of 2021 to an extent of 0.9 cents out of 0.27 cents comprised in New Survey No.227/2 was purchased by late Keasari Mall, the husband of the



first petitioner and the father of the petitioners 2 to 7 in Document No. 180 of 2007 dated 10.01.2007 on the file of the Sub Registrar Office / third respondent herein.

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(ii) The subject property in W.P. No. 19737 of 2021 to an extent of 18 cents out of 0.27 cents comprised in New Survey No.227/2 was purchased by the petitioner in Document Nos. 178 and 179 of 2007 dated 10.01.2007 on the file of the Sub Registrar Office / third respondent herein.

(iii) During an interregnum in order to grab the subject property, our vendors namely respondents 4 to 12 in collusion with one G.Manoharan / 12th respondent herein had sold the subject property vide Document No. 1092 of 2010 dated 19.02.2010 registered on the file of the third respondent despite the fact that the subject property was already sold in the year 2007 as such our vendors and the subsequent purchaser had committed an offence of cheating and land grabbing and forgery for the purpose of cheating and further played fraud on the registration authorities.

(iv) The petitioners have given a representation to the first to third respondents on 05.01.2021 to take appropriate action and initiate prosecution under Section 83 of the Indian Registration Act. Since there was a delay in considering the said representation, the Writ Petitions have been filed in W.P. Nos. 9754 and 9756 of 2021 before this Court to consider their representations dated 05.01.2021 and the same was disposed on 20.04.2021 with a direction to the second respondent to consider the petitioners representation within a time frame.

(v) Pursuant to the order dated 20.04.2021, the second respondent is directed to pass an order vide Na.Ka.No.1016/E2/2021 dated 06.05.2021 wherein a specific direction was given to the third respondent to initiate appropriate action under Section 83 of the Indian Registration Act, after holding that the subsequent sale made by the petitioners vendors were fraudulent one and the said order was communicated to the petitioners. On the receipt of the said order from the second respondent, the petitioners made the representation to the third respondent on 21.06.2021 inter alia requested to comply the order of the second respondent. The said representation along with the order passed by the second respondent dated 06.05.2021 was received by the third respondent as early as 28.06.2021 but despite the receipt of the same, the third respondent as on today has not taken any action and hence,



left with no alternate remedy, the petitioners have come before this Court with the aforesaid prayer.

3. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

4. The learned counsel appearing for the petitioners submitted that the petitioners will be satisfied if a direction is issued to the third respondent to consider the petitioners' representation dated 26.06.2021 and dispose of the same within a stipulated time that may be framed by this Court.

5. Having regard to the limited scope of the prayer that is now sought for in these Writ Petitions before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioners' representation or the case pleaded by the petitioners in the Writ Petitions, these Writ Petitions are disposed of, with a direction to the third respondent to consider the petitioners' representation dated 26.06.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioners and respondents within a period of eight weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vji

To

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



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2. The District Registrar (Administration)
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3. The Sub Registrar,
Chennai South Joint-I,
AC 1 to 48, Todd Hunter Nagar,
Nandanam,
Chennai-600 015.

+2ccs to M/s.G.Krishnakumar, Advocate, S.R.No.47366

+1cc to the Government Pleader, S.R.No.47868

W.P. Nos. 19734 ad 19737 of 2021
and
W.M.P. No. 21005 of 2021

VSN-II (CO)
SU(17/11/2021)