



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2021

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P. Nos. 19679 and 19682 of 2021

R.Narayanamoorthy

... Petitioner in
W.P. No.19679 of 2021

M.Munuswamy

... Petitioner in
W.P. No.19682 of 2021

-vs-

1. The Secretary to the Government of Tamil Nadu,
Commercial Tax and Registration Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai - 600 028.
3. The District Registrar,
Chennai North,
First Floor, Ezhilagam,
Esplande, Chennai - 600 005.
4. The Sub-Registrar,
Ambattur Sub-Register Office,
Chennai - 600 053.
5. P.Vellangiri
6. E.Shridhar
7. P.R.Venkatesan

...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 respondents herein to dispose of the petitioners representation dated 28.07.2021.



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For Petitioners
in both W.Ps' : Mr.T.Muruganantham

For Respondents
in both W.Ps' : Mr.Yogesh Kannadasan
Government Advocate for R1 to R4

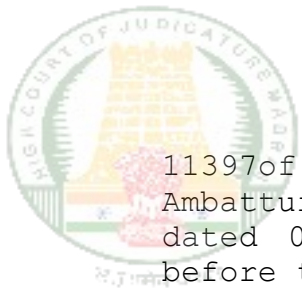
C O M M O N O R D E R

Since the issue raised in both these Writ Petitions are one and the same, with the consent of the learned counsel appearing for both sides, both the Writ Petitions have been heard together and are disposed of by this common order.

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

(i) The subject land to an extent of 3600 sq.ft. bearing Plot No.337, Mullai Street, Poompozhi Nagar, comprised in Survey No.588 (part), Kovilpadhagai Village, Ambattur Taluk, Tiruvallur District is owned and possessed by one Ramani. She having purchased the same by way of sale deed bearing Document No. 1596 of 1965 dated 24.08.1965 registered before the Sub-Registrar Office, Poonamalle. The said Ramani had appointed one Shobana as her Power of Attorney to deal with the property by executing a Deed of General Power of Attorney dated 20.01.2015 registered as Document No. 20 of 2015 and subsequently, she canceled the same vide a Deed of Cancellation General Power of Attorney dated 30.06.2015 registered as Document No. 335 of 2015 before the Sub-Registrar Office, Ambattur. Thereafter, the said Ramani had settled the property in favour of her son, i.e., Srinivasan by way of settlement deed dated 15.07.2015 and registered as Document No. 10289 of 2015 before the Sub-Registrar Office, Ambattur.

(ii) The said Srinivasan decided to sell the Plot No. 337 measuring to an extent of 3600 sq.ft and since he could not engage in the sale activities in person and hence, he appointed one Sanjayaraj as Power of Attorney by executing a Deed of General Power of Attorney and the same was registered on 29.07.2015 vide Document No. 10922 of 2015 before the Sub-Registrar Office, Ambattur. The said Srinivasan represented by his Power Agent one Sanjayaraj mortgaged the said Plot No. 337 and the said mortgage deed was registered as Document No.



11397 of 2015 on 13.08.2015 before the Sub-Registrar Office, Ambattur. Therefore, the said mortgage was cleared and a receipt dated 04.04.2016 was registered as Document No. 3794 of 2017 before the Sub-Registrar Office, Ambattur.

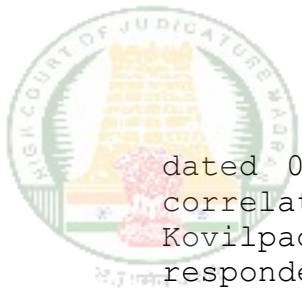
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(iii) Thereafter, in W.P. No. 19679 of 2021, the land owner, i.e., Srinivasan decided to sell a portion of the property to an extent of 1600 sq.ft and the petitioner had purchased the property in Eastern Portion of vacant land bearing Plot No. 337, Mullai Street, Poompozhi Nagar measuring to an extent of 1600 sq.ft from Srinivasan represented by his power agent one Sanjayraj by way of sale deed dated 04.04.2017 and registered as Document No. 3795 of 2017.

(iv) Similarly, in W.P. No. 19862 of 2021, the land owner, i.e., Srinivasan decided to sell a portion of the property to an extent of 2000 sq.ft and the petitioner had purchased the property in Western Portion of vacant land bearing Plot No. 337, Mullai Street, Poompozhi Nagar measuring to an extent of 2000 sq.ft from Srinivasan represented by his power agent one Sanjayraj by way of sale deed dated 04.04.2017 and registered as Document No. 3796 of 2017 before the Sub-Registrar Office, Ambattur.

(v) Thereafter, the Special Tahsildar, Avadi Town Scheme inspected the petitioners property and issued patta vide S.R. Nos. 8 and 7 of 2017 dated 30.05.2017 and by virtue of the same, T.S. No. 26/3 and T.S. No. 26 /2, Block No.35 of Ward 'C' has been assigned to the said property. When he was checking the Encumbrance Certificate periodically through the official website of the Registration Department, he found a Deed of General Power of Attorney dated 17.03.2021 which was registered in the Sub-Registrar Office, Ambattur as Document No. 4988 of 2021 and then he applied for certified copy of the said document and found that, a 80 years old person named Vellangiri, who is the fifth respondent herein claimed himself as owner of the said Plot No.337 measuring to an extent of 3600 sq.ft and appointed one Shridhar, who is the sixth respondent to deal with the said property including the power to sell the same by way of executing the said Deed of General Power of Attorney.

(vi) Further, it is stated that some fraudulent registration has been taken place of the said Deed of General Power of Attorney dated 17.03.2021 vide Document No. 4988 of 2021. The sixth respondent attached a Patta bearing Patta No. 2711 of 2021



dated 04.02.2021 mentioning Survey Nos. 587 (pt) and 589 (pt) correlated to T.S.No.26/2, Block No.35, Ward 'C' of Kovilpadhagai Village. The patta was issued in favour of fifth respondent for the same property which belongs to the petitioners measuring to an extent of 3600 sq.ft and the same Town Survey Number is assigned to the said property by the same authority.

(vii) Hence, on 08.04.2021, a Protest Objection Petition was filed before the fourth respondent requesting him not to register any further conveyance and other deeds pertaining to Plot No. 337, Mullai Street, Poompozhi Nagar, Chennai comprised in Survey Nos. 588 (part), bearing Document No. 4988 of 2021, 587 (pt) and 589 (pt), correlated to T.S. No. 26/2, Block No. 35, Ward 'C' of Kovilpadhagai Village, Avadi Taluk. The said Protest Petition was duly received by the fourth respondent and the receipt were also issued vide No. 7926 and 7929 of 2021 and Document No.PP/Ambatur/14/2021 and Document No.PP/Ambatur/15/2021. Once again, the petitioners checked the Registration Department official website on 12.07.2021, they found that, sale deed dated 09.07.2021 was registered in favour of Venkatesan, who is the seventh respondent herein. The fourth respondent has failed to follow due process before registering any document as per official circulars when a Protest Petition is filed like giving notice to the parties, conducting enquiry and denying registration etc., Therefore, the petitioners have given a representation to the first to third respondents. Since the same has not been considered, the Petitioners have come forward with the above 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 28.07.2021 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 these



present Writ Petitions, these Writ Petitions are disposed of, with a direction to the third respondent to consider the petitioners' representation dated 28.07.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioners and respondents within a period of four months from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

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To

1. The Secretary to the Government of Tamil Nadu,
Commercial Tax and Registration Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai - 600 028.
3. The District Registrar,
Chennai North,
First Floor, Ezhilagam,
Esplande, Chennai - 600 005.
4. The Sub-Registrar,
Ambattur Sub-Register Office,
Chennai - 600 053.

+2CCs to Mr.T.Muruganantham, Advocate, Sr.Nos.47287, 47286
+1CC to Mr.Government Pleader, Sr.Nos.47882, 47881

W.P. Nos.19679 and 19682 of 2021

SV-I (CO)
K.RK. (05.10.2021)