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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NOS.20342 AND 20348 OF 2021

R.Narayanamoorthy

...Petitioner in W.P.No.20342 of 2021

M.Munuswamy

...Petitioner in W.P.No.20348 of 2021

Vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Revenue District Officer,
Thiruvallur District,
Thiruvallur.
3. The Special Tahsildar,
Avadi Town Scheme,
Avadi Taluk,
Thiruvallur District.
4. P.Vellangiri
5. E.Shridhar
6. P.R.Venkatesan

...Respondents in both W.Ps

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the second respondent herein to dispose of the petitioner's representation both dated 23.07.2021 within a time frame.

For Petitioners in both W.Ps : Mr.T.Muruganantham

For Respondents in both W.Ps : Mr.Yogesh Kannadasan
for R1 to R3
Government Advocate

COMMON ORDER



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These writ petitions have been filed for a mandamus to direct the second respondent herein to dispose of the petitioners representation both dated 23.07.2021 within a time frame.

2.The case of the petitioners are that they are the absolute owners of the Western portion of vacant land bearing Plot No.337, Mullai Street, Poompozhi Nagar, comprised in S.No.588 (part), Kovilpadhagai Village Avadi Taluk, Thiruvallur District, measuring to an extent of 1600 Sq.ft,. Originally the said Plot No.337, Mullai Street, Poompozhi Nagar, comprised in S.No.588 (part), Kovilpadhagai Village measuring to an extent of 3600 Sq.ft, was purchased by C.Ramani registered as Document No.1596 of 1965 dated 24.08.1965 before the SRO, Poonamallee.

3.The petitioners submit that the said C.Ramani appointed one K.Shobana as Power of Attorney registered as Document No.20 of 2015 dated 20.01.2015 and subsequently cancelled the same vide a Deed of Cancellation General Power of Attorney registered as Document No.335 of 2015 dated 30.06.2015, the said C.Ramani executed a Settlement Deed and settled the said property in favour of her son C.Srinivasan registered as Document No.10289 of 2015 dated 15.07.2015 before the SRO, Ambattur.

4.The petitioners further submit that the said C.Srinivasan decided to sell the said Plot No.337 measuring an extent of 3600 sq.ft and since he could not engage in the sale activities in person appointed Mr.M.Sanjayraj by executing a Deed of General Power of Attorney registered as Document No.10922 of 2015 dated 29.07.2015 before the SRO, Ambattur. The said C.Srinivasan represented by his Power Agent Mr.M.Sanjayraj mortgaged the said Plot No.337 measuring an extent of 3600 sq.ft. in favour of M.Munusamy and the said Mortgage Deed dated 13.08.2015 was registered as Document No.11397 of 2015 dated 13.08.2015 before the SRO, Ambattur and the same was cleared vide a clearance receipt dated 04.04.2016 registered as Document No.3794 of 2017 before the SRO, Ambattur.

5.The petitioners further submit that they purchased the Eastern portion of the vacant land bearing Plot No.337, Mullai Street, Poompozhi Nagar measuring to an extent of 1600 and 2000 Sq.ft respectively out of 3600 Sq.ft. from Mr.C.Srinivasan represented by his Power Agent M.Sanjayraj by way of a Sale Deed dated 04.04.2017 and registered as Document Nos.3795 of 2017 and 3796 of 2017 respectively before the SRO, Ambattur.

6.According to the petitioners, they were in possession of the property and obtained a patta vide S.R.Nos.7 of 2017 and 8 of 2017 respectively dated 30.05.2017 and T.S.No.26/3 and



T.S.No.26/2 respectively Block No.35 of Ward 'C' has been assigned to the said property.

7. According to the petitioners, they used to check the Encumbrance Certificate periodically through the Registration Department official website they found that the deed of General Power of Attorney dated 17.03.2021 has been registered with the SRO, Ambattur as Document No.4988 of 2021 and the petitioners applied for the certificate copy, it was found that a 80 years old person viz., P.Vellangiri from Coimbatore who is the fourth respondent herein claimed himself as owner of the said property and appointed one E.Sridhar, the fifth respondent herein to deal with the said property including the power to sell the same by way of executing the above said Deed of General Power of Attorney.

8. The petitioners submit that the said document was registered and kept pending on 17.03.2021 and a certificate of confirmation/ genuineness dated 19.03.2021 was obtained from the third respondent and the said document was numbered as Document No.4988 of 2021 and released on the next working day 22.03.2021.

9. The petitioners further submit that they came to know that some real estate fraudsters gang is involved in this fraudulent registration and the respondents 4 and 5 jointly conspired to grab the petitioners property and somehow managed to register the same colluding with the SRO, Ambattur with the help of fabricated documents was also produced and by mentioning S.Nos.587 (pt) & 589 (pt), correlated to T.S.No.26/2, Block No.35, Ward 'C' of Kovilpadhagai Village.

10. According to the petitioners, the fifth respondent attached a Patta bearing Patta No.2711/2021 dated 04.02.2021 for the above said Survey Numbers in favour of the petitioners and one M.Munusamy measuring to an extent of 3600 Sq.ft. by the same Authority.

11. The petitioners submit that they gave a petition on 08.04.2021 to the SRO, Ambattur, the same was received and acknowledged vide Nos.7926/2021 and 7929/2021 respectively and Doc.No.PP/ Ambattur/14/2021 and Doc.No.PP/Ambattur/15/2021 respectively when the facts were explained to the said SRO, he assured that he will take immediate action to cancel the said General Power of Attorney bearing Document No.4988 of 2021.

12. The petitioners further submit that again when they checked with the Registration Department Official website on 12.07.2021, they found that a Sale Deed has been registered as Document No.8993 of 2021 dated 09.07.2021 in favour of 6th respondent before the SRO, Ambattur and the petitioners also filed a W.P.No.19679 of 2021 filed by Narayanasamy and W.P.No.19682 of 2021 filed by Munuswamy before this Court to



consider his representation and pass appropriate orders by the Sub-Registrar, Registrar and Inspector General of Registration and the same was disposed of by this court on 16.09.2021 within a reasonable time.

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13.The petitioners further prays that the said writ petition was filed only to cancel the said documents and based on the documents produced by the respondents 4, 5 and 6.

14.The petitioners have no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, these writ petitions filed.

15. The learned counsel appearing for the petitioners submit that the petitioners will be satisfied if a direction is issued to the second respondent herein to dispose of the petitioners representation both dated 23.07.2021 within a time frame.

16.Heard, learned counsel for the petitioners and learned Government Advocate for the respondents 1 to 3 and perused the materials available on record.

17. In the above facts and considering the submissions made by the petitioners, this Court directs the Official respondents to consider the petitioners representation both dated 23.07.2021 and pass appropriate orders, in accordance with law after affording an opportunity to all the parties concerned, within a period of six months from the date of receipt of a copy of this order.

18.With the above direction, these writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

gba/pam

To

1. The District Collector,
Thiruvallur District.
Thiruvallur.
2. The Revenue District Officer,
Thiruvallur District.
Thiruvallur.



3. The Special Tahsildar,
Avadi Town Scheme,
Avadi Taluk,
Thiruvallur District.

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+1cc to Mr.T.Muruganantham, Advocate, S.R.No.49123

+1cc to Mr.T.Muruganantham, Advocate, S.R.No.49124 [26/04/2022]

+1cc to the Government Pleader, S.R.No.49765

W.P.No.20342 of 2021
and W.P.No.20348 of 2021

GPL(CO)
RLP(26/11/2021)