



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.19875 of 2021

K.Thangapandiyan

...Petitioner

Vs.

1. The Inspector General of Registration,
Office of the IG Registration.
Santhome High Road,
Chennai.
2. The District Registrar,
Office of the Registrar,
Registration Department,
Chengalpettu District.
3. K.Manoharan
4. Mrs.K.Nirmala
5. C.Shanti
6. K.Parthasarathy
7. K.Murugan
8. Padmini

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the second respondent to complete the enquiry initiated in Na.Ka.No.2097/A1/2012 dated 23.05.2012 within the time fixed by this Court.

For Petitioner : Mr.Adinarayana Rao

For Respondent : Mr.Yogesh Kannadasan for R1 and R2
Government Advocate

ORDER

This writ petition has been filed for issuance of a mandamus to direct the second respondent to complete the enquiry initiated in Na.Ka.No.2097/A1/2012 dated 23.05.2012 within a time frame.



2.The case of the petitioner is that the land bearing S.No.80/2 measuring to an extent of 65 cents, S.No.79/5 measuring to an extent of 29 cents and S.No.79/6 measuring 25 cents and altogether totally measuring 119 cents situated in Ninakarai Village, Chengalpet District, belongs to the petitioner and his brothers.

3.The petitioner submits that the same was purchased by his mother L.Indrani from one Mr.Chinnappan Naicker in the year 1973 registered as Document No.1698/1973 dated 18.06.1973, the said L.Indrani purchased the same as guardian on behalf of himself and his brother viz., L.Muthusway @ Durai, Adhikesavan and Rajendran and the said L.Muthusway @ Durai died leaving behind his wife Saraswathi and children viz., Siva Chandran, Lakshmi Gandan, Jayanthi and the patta has been issued jointly.

4.The petitioner further submits that he obtained a loan in the year 2009 by mortgaging the property and from the Encumbrance Certificate it was learnt that the respondents 3 to 8 colluded with each other and created bogus documents with ulterior intentions to grab their property and hence, he lodged a complaint dated 24.03.2009 to the Superintendent of Police at Kancheepuram.

5.According to the petitioner, Mr.Manoharan/the third respondent herein gave an undertaking to cancel all the bogus documents and therefore the complaint was not pursued.

6.The petitioner submits that the third respondent is none other than his father's brother son and the fourth respondent is the wife of his father's younger brother, and the respondents 3, 5 and 6 are his cousin brothers and sisters.

7.The petitioner further submits that since his mother purchased a property by way of Sale Deed dated 18.06.1973 which was registered as Document No.1698/1973 and the third respondent's father has signed as witness which will confirm the respondents 3 to 8 have nothing to do with the above mentioned property.

8.According to the petitioner, the respondents 3 to 8 have ulterior intentions and had fabricated the documents under the name and style of Mortgage Deed dated 02.06.3005 registered as Document No.481/2005 and also the seventh respondent executed a Sale Agreement pertaining to land in S.No.79/5 measuring 29 cents and land in S.No.79/6 measuring 25 cents.

9.The petitioner submits that the third respondent in the Mortgage Deed dated 02.06.2005, wherein it was found that the 29 cents in S.No.79/5, 25 cents in S.No.79/6 and 65 cents in



S.No.80/2 belongs to the petitioner and acquired by him from his ancestors whereas the seventh respondent claims part of the land in S.No.79/6 belongs to the petitioner and executed a Sale Agreement dated 17.11.2008 registered as Document No.9614/2008 shows contradictory and illegal means adopted by the respondents 3 to 8 to create fabricated documents and to grab the property of the petitioner and his brothers.

10.The petitioner further submits that in order to grab the land measuring to an extent of 65 cents in S.No.80/2 and the respondents 4 to 8 have created a Settlement Deed dated 08.12.2008 registered as Document No.10410/2008 whereby the execution of settlement that 2.15 cents of the land belongs to them in S.No.217/3 along with land in S.No.82/2 measuring 65 units.

11.According to the petitioner, the respondents 3 to 7 have executed Rectification Deed dated 06.02.2009 registered as Document No.80/2 measuring 65 cents instead of S.No.82/2 which was mentioned in Document No.10410/2008 and the said act is to grab his land which was purchased by way of Sale Deed dated 18.06.1973. The respondents 3 to 8 have cleverly created the following documents to grab the property of the petitioner and his brothers:

S. No.	Date	Document No.	Description
1.	02.06.2005	4814/2005	Mortgage deed executed by petitioners in favour of Ilanchezhian pertaining to land in Survey No.79/5 measuring 29 cents and 79/6 measuring 25 cents and 80/2 measuring 65 cents claiming the same by inherited by way of ancestral property
2.	17.11.2008	9614/2008	Sale agreement executed by Murugan in favour of K.Manoharan pertaining to land in Survey No.79/6 measuring 25 cents.
3.	08.12.2008	10410/2008	Settlement Deed executed by respondents 4 to 7 in favour of Manoharan. The 3rd respondent pertaining to land in Survey No.82/2 measuring 65 cents.



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S. No.	Date	Document No.	Description
4.	06.02.2009	507/2009	Rectification Deed executed by respondents 4 to 7 rectifying the Survey No. in Document No.10410/2008.
5.	06.20.2009	510/2009	The 3rd respondent executes a settlement deed in favour of his wife Padmini (Respondent 8) settling land measuring 65 cents in survey No.80/2 which belongs to the Petitioner.
6.	20.02.2009	780/2009	Partition deed executed between the 3rd respondents 4 to 7 whereby land & Survey No.79/5 measuring 29 cents and land in Survey No.79/6 measuring 25 and allotted to the share of the 3rd respondent.

12.The petitioner submits that he lodged a complaint on 03.09.2010 which was registered as FIR in Crime No.953/2010 dated 21.10.2010 by Maraimalai Nagar Police, the same was forwarded to the Superintendent of Police, Kancheepuram and subsequently enquired by the Sub-Inspector of Police Anti Land Grabbing Cell, District Crime Branch, Kancheepuram.

13.The petitioner further submits that he has also approached the second respondent who had initiated proceedings vide Na.Ka.No.2097/A1/2012 and summons dated 23.05.2012 was issued, calling upon him and the respondents for enquiry by the respondents 3 to 8 did not respond and hence another summon dated 25.07.2012 was issued fixing the enquiry on 27.08.2012 and the petitioner appeared along with all his documents whereas the private respondents failed to appear and the concerned officer got transferred and the enquiry did not proceed further for more than eight years.

14.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.

15.The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the second respondent to complete the enquiry initiated in Na.Ka.No.2097/A1/2012 dated 23.05.2012 within a time fixed by this Court.



16. 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 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 second respondent to pass appropriate orders in accordance with law after affording an opportunity to all the parties concerned within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gba/pam

To

1. The Inspector General of Registration,
Office of the IG Registration.
Santhome High Road,
Chennai.
2. The District Registrar,
Office of the Registrar,
Registration Department,
Chengalpattu District.

+1cc to the Government Pleader, S.R.No.48590

W.P.No.19875 of 2021

RSI (CO)
RGA(10/12/2021)