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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.21538 of 2021

and

W.M.P.No.22751 of 2021

V.Loganathan

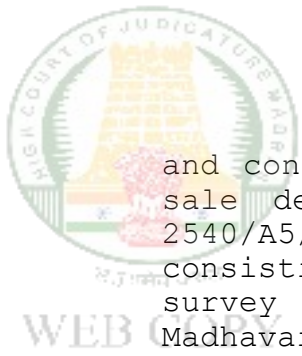
... Petitioner

vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai-600 044.
2. The Deputy Inspector General of Registration,
SIDCO, Industrial Estate, Guindy,
Chennai - 600 015.
3. The District Registrar,
Chennai North,
Kuralaam Building, Broadway
Chennai - 600 104.
4. The Sub-Registrar,
Raja Nagar,
Madhavaram, Chennai - 600 060.
5. A.R.Dharmalingham @ R.P.Darmalingam
6. S.Baskar
7. G.Guppusamy
8. Gnanasekar
9. Gnanagunasekar
- 10.M.C.Thurairaj

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the impugned orders and records in relation to order number Na.Ka.5741/A1/2019 dated 30.07.2020 passed by the second respondent and quash the same as illegal



and consequently, direct the third respondent to cancel all the sale deeds admitted by virtue of the impugned order number 2540/A5/2019 dated 31.07.2019 in respect of the property consisting 5 plots in plot number 1,2,4,8 and shop site in survey numbers 319/1 and 319/2, situated in Madhavaram Village, Madhavaram Taluk, Tiruvallur.

For Petitioner : Mr.V.Rajasekar
For R1 to R4 : Mr.Yogesh Kannadasan
Special Government Pleader
For R5 : Mr.R.Murali
For R7 and R8 : Mr.D.Jayasingh
For R9 : Mr.K.Arun Prasad

ORDER

This writ petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the impugned orders and records in relation to order number Na.Ka.5741/A1/2019 dated 30.07.2020 passed by the 2nd respondent and quash the same as illegal and consequently, direct the 3rd respondent to cancel all the sale deeds admitted by virtue of the impugned order number 2540/A5/2019 dated 31.07.2019 in respect of the property consisting 5 plots in Plot Numbers 1,2,4,8 and shop site in survey numbers 319/1 and 319/2, situated in Madhavaram Village, Madhavaram Taluk, Tiruvallur.

2. The case of the petitioner is that the petitioner along with his father and brother-in-law purchased property ad-measuring to an extent of 1.36 acres situated at Madhavaram Village, Thiruvallur District in the following manner:-

Survey No.	Extent	Purchaser	Executor	Date of Purchase	Document number
319/1	44 cents	N.Raghu	Vidyashan kar	09.11.19 87	4116/198 7
319/2	46 cents	V.Loganath an	Vinothkum ar	10.11.19 87	4117/198 7
319/2	46 cents	P.Venugopa l	Vinothkum ar	10.11.19 87	4118/198 7
Total	1.36 Acres				



3. Thereafter, they jointly executed a General Power of Attorney in favour of the 5th respondent herein in respect of the entire extent of the subject property and the same was registered as Document No.467/1987 dated 27.11.1987 for the development of the said property and also to sell and execute sale deed in favour of the prospective purchasers. Thereafter, the 5th respondent developed the said property in the name and style of 'Venugopal Nagar' and obtained approval from MMDA (presently CMDA) on 24.01.1989 vide Approval No.P.P.D/LO No.194/1988. According to them, they did not demarcate any area nor any quantifiable share of each one in the said property. The approval was granted for 20 plots and one shop site ad-measuring to an extent of 46,753 Sq.ft with two streets with the total extent of 12,543 Sq.ft. The petitioner's father one among the Principal, who executed the said General Power of Attorney died on 02.06.2003. The 5th respondent also attended the funeral ceremony of his father and after knowing very well about the death of one of the Principals, the 5th respondent fraudulently executed a sale deed dated 14.07.2014 registered vide Document No.4114 of 2014 in favour of the 6th respondent. Therefore, the petitioner issued legal notice on 22.09.2014 to the 5th and 6th respondents. Even thereafter, the 5th respondent executed sale deed in the names of his family members registered vide Document No.5505 of 2014 on 26.09.2014 and vide Document No.6843 of 2016 on 16.11.2016. Subsequently, he also executed the rectification deeds registered vide Document No.307 of 2017 on 06.03.2017 and vide Document No.4196 of 2017 on 14.06.2017.

4. The 5th respondent stated in the sale deeds that the Principals are alive on the date of execution of the said sale deeds. In so far as the execution of sale deed with regards to Plot No.8 in the layout, wherein by concealing and suppressing the material fact of prior death of one among Principal of them, viz., the petitioner's father, the petitioner filed a suit in O.S.No.36 of 2017 on the file of the District Munsif Court, Thiruvottriyur, which was subsequently transferred and re-numbered as O.S.No.179 of 2019 on the file of the District Munsif Court, Madharavaram. In respect of the remaining extent of Plot Nos.1, 2, 4 and shop site, the petitioner lodged complaint before the 3rd respondent to cancel the sale deeds.

5. In the meanwhile, the petitioner also lodged complaint and the same was registered in Crime No.139 of 2019 on the file of the Inspector of Police, M-1, Madhavaram Police Station (Crime) for the offences under Sections 406, 465, 468, 471 and 420 IPC as against the 5th respondent herein. However, it was closed as mistake of fact and filed a closure report in FFRC.No.3 of 2019 before the learned Magistrate. Aggrieved by the same, the petitioner filed protest petition in C.M.P.No.120 of 2020 before the Judicial Magistrate, Madhavaram and after



completion of enquiry, the same was dismissed by the learned Judicial Magistrate, Madhavaram. Aggrieved by the same, the petitioner filed Crl.R.C.No.1111 of 2020 and the same was also dismissed by this Court by an order dated 09.02.2021.

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6. In the meanwhile, the 3rd respondent conducted enquiry and dismissed the complaint lodged by the petitioner and directed the petitioner to approach the concerned Civil Court for appropriate relief. Aggrieved by the same, the petitioner preferred appeal before the 2nd respondent and the 2nd respondent also confirmed the order passed by the 3rd respondent by the impugned order dated 30.07.2020.

7. On perusal of the documents produced by the 5th respondent, revealed that originally the 5th respondent entered into an agreement for sale with the petitioner's father on 12.11.1987. Even in the said agreement, the 5th respondent paid part of the sale consideration and subsequently, the petitioner, his father along with one N.Raghu executed the General Power of Attorney in favour of the 5th respondent on 27.11.1987 to deal with their property. Subsequent to the General Power of Attorney, one of the Principals executed Affidavit-cum-Declaration dated 26.11.2019 stating that the entire sale consideration in respect of the Principals, viz., the petitioner, his father and the said N.Raghu had received entire sale consideration in respect of their respective properties from the 5th respondent herein.

8. In fact, the deceased father of the petitioner also executed Receipt dated 05.04.1989 for payment of sale consideration in favour of the 5th respondent and revealed that he received entire sale consideration in respect of the property belong to him. In fact, on 26.11.2019 the other legal heirs of the petitioner's father also executed Affidavit-cum-Declaration stated that their father already received entire sale consideration in respect of the subject property and they have no objection to register the sale deed in favour of the proposed purchaser.

9. On perusal of the sketch produced by the 5th respondent also revealed that the share of the petitioner's father consisting the property comprised in S.No.319/2pt to an extent of 0.46 cents as per the approved layout in Plot No.11. Whereas, the petitioner lodged complaint to the same in respect of the Plot Nos.1, 2 and 4 and shop site which were owned by the said N.Raghu, who is one of the Principals of the General Power of Attorney executed in favour of the 5th respondent. In respect of Plot No.8-B part is concerned, the petitioner already filed O.S.No.179 of 2019 and the it is pending on the file of the District Munsif Court, Madhavaram. Therefore, the General Power



of Attorney dated 27.11.1987 is coupled with interest and the entire sale consideration are duly received by the Principals. Therefore, the 2nd and 3rd respondents rightly rejected the complaint lodged by the petitioner and this Court finds no illegality or infirmity in the orders passed by the 2nd and 3rd respondents. Hence, this Writ Petition is devoid of merits and it is liable to be dismissed.

10. Accordingly, the writ petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai-600 044.
2. The Deputy Inspector General of Registration,
SIDCO, Industrial Estate, Guindy,
Chennai - 600 015.
3. The District Registrar,
Chennai North,
Kurulaam Building, Broadway
Chennai - 600 104.
4. The Sub-Registrar,
Roja Nagar,
Madhavaram, Chennai - 600 060.

+1cc to Mr.R.Murali, Advocate, S.R.No.69149

+2ccs to Mr.D.Jayasingh, Advocate, S.R.No.69384

+1cc to the Government Pleader, S.R.No.69796

W.P.No.21538 of 2021

AD(CO)
SU(12/01/2022)