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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.5808 of 2017
and W.M.P.No.6223 of 2017

N.Sukumar

... Petitioner

Vs

1.The Inspector General of Registration
No.100, Santhom Salai
Mylapore, Chennai-28.

2.The District Registrar (Chennai-South)
District Registrar Office
Jeenis Road, Saidapet
Chennai-600 015.

3.The Sub Registrar
Sub Registrar Office, Velachery
Chennai-600 042.

4.The Sub Registrar
Sub Registrar Office, Alandur
Chennai-600 061.

5.C.Devarajan

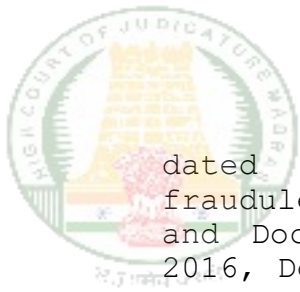
6.D.Suresh
7.N.Rajendran

8.R.Sathish Kumar

9.Deewan Housing Finance Corporation Limited
Kalapathika Towers
Old No.24, New No.36
3rd floor, Dr.Ambedkar Road
Ashok Nagar main road, Kodambakkam
Chennai-600 024.

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India to issue a Writ of Mandamus, directing the
respondents 1 to 4 to consider the petitioner's representation



dated 31.01.2017 to enquire and cancel the documents fraudulently registered as Doc.No.1935 of 1992 in SRO, Alandur and Doc.No.6619 of 2015, Doc.No.3393 of 2016, Doc.No.3394 of 2016, Doc.No.3407 of 2016, Doc.No.3408 of 2016 in SRO Velacheri.

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For Petitioner :Mr.S.Satish

For R1 to R4 :Mr.G.Krishnaraja, GA

For R9 :Mr.Arunachalam

ORDER

This writ petition has been filed to issue a mandamus directing the respondents 1 to 4 to consider the petitioner's representation dated 31.01.2017 requesting to conduct enquiry and cancel the documents, which were fraudulently registered as Doc.No.1935 of 1992 on the file of the Sub Registrar, Alandur and Doc.Nos.6619 of 2015, 3393 of 2016, 3394 of 2016, 3407 of 2016 and 3408 of 2016 on the file of the Sub Registrar, Velachery.

2.According to the petitioner, his father by name A.Nagarajan was in possession and enjoyment of the property situated in Madipakkam Village from the date of purchase i.e., on 07.09.1962 and he died on 04.02.1985. Thereafter, the said property was devolved among the petitioner and other legal heirs and that, patta and chitta were also transferred in their favour. While so, the petitioner verified the encumbrance certificate relating to the said property, at that time, he came to know about the fraudulent registration of the sale deeds and settlement deed taken place. Therefore, the petitioner submitted a representation dated 31.01.2017 to the respondent authorities requesting to conduct enquiry and take appropriate action to cancel the said fraudulent documents. Finding no response on the same, he is before this Court with the present writ petition for the aforesaid relief.

3.Upon notice, the fourth respondent filed a detailed counter affidavit, about the fabricated sale deeds and settlement deed as referred to by the petitioner in the writ petition. It is also stated therein that the representation dated 31.01.2017 submitted by the petitioner is under consideration of the second respondent and the second respondent would commence the enquiry by issuing notice to the petitioner as well as other interested parties as per the order of seniority of the complaints.



4.Today, when the matter was taken up for consideration, the learned counsel appearing for the petitioner submitted that during the pendency of this writ petition, a suit in O.S.No.430 of 2018 relating to the settlement deed which was said to have been fraudulently executed, is pending on the file of the Additional District Munsif Court, Alandur. Therefore, the learned counsel prayed that the counter affidavit filed by the 4th respondent in this writ petition may be placed before the said civil Court for speedy disposal of the suit.

5.The learned Government Advocate appearing for the respondent authorities has no serious objection for granting such relief to the petitioner.

6.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court grants liberty to the petitioner to refer the counter affidavit filed by the fourth respondent in this writ petition before the civil Court concerned, in accordance with law, for effective adjudication of the said suit. However, that will not preclude the respondents 1 to 4 from taking action as per law, against the persons involved in fraudulent registration of the subject documents.

7.With the above observation, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To

1.The Inspector General of Registration
No.100, Santhom Salai
Mylapore, Chennai-28.

2.The District Registrar (Chennai-South)
District Registrar Office
Jeenis Road, Saidapet
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3.The Sub Registrar
Sub Registrar Office, Velachery
Chennai-600 042.

4.The Sub Registrar
Sub Registrar Office, Alandur
Chennai-600 061.

+2cc to Mr.S.Satish, Advocate SR.No.28794

+2ccs to Mr.S.Satish, Advocate SR.No.28794(05/08/2021)

+1cc to Mr.Arunachalam, Advocate SR.No.28821

+1cc to Government Pleader SR.No.29025

W.P.No.5808 of 2017
and W.M.P.No.6223 of 2017

GPL(CO)
GMY(20/07/2021)