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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.No.25113 of 2017

G.Logambari

...Petitioner

Vs

1. The Inspector General of Registrations,
No.100, Santhome High Road,
Mylapore, Chennai 600 028
2. The Deputy Registrar Chennai South,
No.9, Jenis Road, West Saidapet,
Chennai 600 015
3. The Sub Registrar,
Selaiyur Sub Registration Office,
No.36, Bharathmatha Salai (Opp to Railway Quarters),
Ruby Mansion, East Tambaram, Selaiyur,
Chennai 600 073
4. Shakila
5. M.N.Thangaraj
6. N.Ramamurthy

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents one, two and three to take necessary steps to cancel all the conveyance deeds executed by the respondents four, five and six, in respect of the 'Government Land' within a specified period fixed by this Court.

For Petitioner : Mr.Veangai I.Prakash Raj

For Respondents

For R1 to 3 : Mr.Richardson Wilson,
Government Advocate

For R4 & 5 : Mr.R.Venkatajalapathy



ORDER

This writ petition is filed to issue a Writ of Mandamus to direct the respondents 1, 2 & 3 to take necessary steps to cancel all the conveyance deeds executed by the respondents 4 to 6 in respect of the 'Government Land' within the period fixed by this Court.

2. The case of the petitioner is that the petitioner purchased plot No.4 to an extent of 2400 sq.ft. comprised in survey No.60/2 in the approved layout Visalakshi Nagar, Santoshapuram, Vengaivasal Village, Sholinganallur Taluk, Kanchipuram District by the registered sale deed dated 10.04.1996 registered vide document No.1752 of 1996 from one, R.Manickam. At either side of Vengaivasal Main Road, there are adjoining Government land. There exists 1,575 sq.ft. Government land in between the approved residential plot and the Vengaivasal Main Road, through which the petitioner has access to reach Vengaivasal Main Road. It is the only ingress and egress to the petitioner's house. However, the fourth respondent encroached the same and executed settlement deed in favour of her husband i.e. fifth respondent herein by way of settlement deed dated 19.03.2014 registered vide document No.3069 of 2014. In turn, the fifth respondent constructed building to an extent of 3200 sq.ft. comprised in four storied building and thereby prevented her access to the Vengaivasal Main Road. Therefore, the petitioner approached the District collector to take appropriate action against the encroachers. The petitioner also filed writ petition in WP.No.5224 of 2016 and by order dated 16.03.2016, this Court directed the Tahsildar, Sholinganallur Taluk to make spot inspection and take immediate action for removal of encroachment. At that juncture, again the fifth respondent sold out the said building in favour of the sixth respondent by the registered sale deed dated 27.02.2015 registered vide document No.2091 of 2015. Therefore, the petitioner seeks direction to cancel all the conveyance deeds executed by the respondents 4 to 6.

3. The learned counsel for the respondents 4 & 5 submitted that while pending the writ petition, the construction made to an extent of 3200 sq.ft. in the land admeasuring 1575 sq.ft. was already demolished by the authorities concerned and now it has free ingress and egress to Vengaivasal Main Road for the petitioner as well as the other residents. Therefore, the entire construction put up in the Government land has now been demolished and the petitioner and the other residents have got ingress and egress to reach Vengaivasal Main Road.

4. Further, insofar cancellation of deeds executed between the respondents 4 to 6 are concerned, the registering



authorities have no jurisdiction to cancel the same. However, the District Registrar concerned has power to make enquiry in respect of fraudulent transaction as per circular issued by the first respondent in Lr.No.20217/U1/2021 dated 09.07.2021.

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5. Accordingly, the petitioner is directed to lodge complaint before the District Registrar concerned to take appropriate action as per the above circular issued by the first respondent against the fraudulent transaction by the respondents 4 to 6 within a period of two weeks from the date of receipt of copy of this order. On receipt of the same, the authority concerned is directed to issue notice to the petitioner as well as the respondents 4 to 6 and after giving them opportunity of hearing and pass orders on merits and in accordance with law.

6. With the above directions, this writ petition is disposed of. No order as to costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registrations,
No.100, Santhome High Road,
Mylapore, Chennai 600 028
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GPL(CO)
RGA(30/11/2021)