



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.NO.19209 OF 2017

Jayanthi

... Petitioner

-Vs-

1. The District Registrar,
Chengalpattu District Registration,
Chengalpattu, Kancheepuram District.

2. The Manager,
State Bank of India SMECCC,
Egmore, Chennai - 600 008.

... Respondents

PRAYER:-

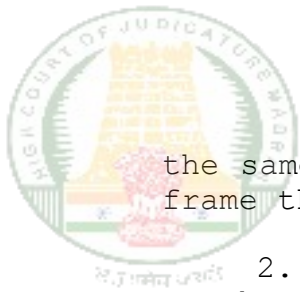
Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent herein to dispose of petitioner's petition dated 13.03.2017, seeking cancellation of the registered document namely "Memorandum of relation to Deposit of Title Deed" dated 15.05.2007 in Doc.No.2636/2007 on the file of SRO, SRO, Achirapakkam as if the petitioner executed the same in favour of the second respondent herein, within time frame to be stipulated by this Hon'ble Court.

For Petitioner : Mr.T.Vijayaraghavan

For Respondents : Mr.Richardson Wilson
Counsel for Govt. for R1
Mr.M.Suresh for R2

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the first respondent herein to dispose of the petitioner's petition dated 13.03.2017, seeking cancellation of the registered document namely "Memorandum of relation to Deposit of Title Deed" dated 15.05.2007 in Doc.No.2636/2007 on the file of SRO, SRO, Achirapakkam as if the petitioner executed



the same in favour of the second respondent herein within a time frame that may be stipulated by this Court.

2. It is the case of the petitioner that, the petitioner purchased a property at New S.No.141/6, Old S.No.107/2 measuring to an extent of 232 sq.mts and New S.No.141/7, Old S.No.107/1 measuring to an extent of 100 sq.mts situated at Melmaruvathur Village, Cheyyur Taluk, Kancheepuram District.

3. This property according to the petitioner was purchased by a registered sale deed dated 07.12.1992 in Document No.1560/1992, registered at SRO, Achirapakam. Since then, the petitioner had been in possession and enjoyment of the property, where, the petitioner built up a house.

4. When that being so, at one point of time, since the petitioner was in need of money, she approached third party called one Rajendran, residing at Sothupakkam, Cheyyur Taluk, Kancheepuram District for a receipt of Rs.3,00,000/- (Rupees Three Lakhs Only) and in this context, it is the allegation of the petitioner that, the original document deed pertaining to the property in question was handed over to the said Rajendran and after sometime, when the petitioner wanted to pay back the loan amount and in lieu of that, when she demanded for giving back the original title deed pertaining to the property in question, the third party seems to have been evasive. When the petitioner verified in the Registered Office about the encumbrance of the said property, it is found by the petitioner that, "Memorandum of Deposit of title deeds" has been executed and registered on 15.05.2007 at the Registrar Office, as if that the petitioner executed the same wherein, the petitioner found that, the photo of some third party (woman) has been pasted, as if that, she was the petitioner.

5. In this regard, the petitioner claimed that, the Police complaint had been given and FIR has been registered in Crime No.369 of 2011 dated 20.08.2011 at Melmaruvathur Police Station for the alleged offence punishable under Section 420 IPC etc., against one third party Rajendran and others. Therefore, in this regard, in order to conduct an enquiry, the petitioner has given a representation on 13.03.2017 to the first respondent/District Registrar and the said representation since has not been considered and no enquiry has been conducted, the petitioner has approached this Court by filing the present Writ Petition.

6. Heard Mr.T.Vijayaraghavan, learned counsel appearing for the petitioner, who, having reiterated the aforesaid seeks indulgence of this Court to give a direction to the first respondent to conduct an enquiry on the representation of the petitioner.



7. Heard Mr. Richardson Wilson, learned counsel for the Government appearing for the first respondent, who would submit that, if at all, any such complaint has been given as claimed by the petitioner, whether if any fraud is alleged with regard to the registration of any document pertaining to the property in question belongs to the petitioner, certainly that would be considered and limited enquiry would be conducted by the first respondent under Section 83 of The Registration Act, 1908 and accordingly, depending upon the outcome of the said enquiry, further needful action would be undertaken by the first respondent in the manner known to law.

8. I have heard the learned counsel appearing for the parties and have perused the materials placed before this Court.

9. In view of the factual matrix as projected by the petitioner's side and having recorded the said submissions made by the learned counsel for the Government appearing for the first respondent, this Court is inclined to dispose of this Writ Petition with the following orders:

"(i) That there shall be a direction to the first respondent to consider the representation of the petitioner dated 13.03.2017 and conduct a limited enquiry under Section 83 of the Registration Act by issuing notice to all necessary parties and accordingly, decide the issue raised by the petitioner within a period of three months from the date of receipt of a copy of this order.

(ii) It is needless to mention that, depending upon the outcome of the decision made by the first respondent on the enquiry, further action under law can be undertaken by him."

10. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vji



To

1. The District Registrar,
Chengalpattu District Registration,
Chengalpattu, Kancheepuram District.

2. The Manager,
State Bank of India SMECCC,
Egmore, Chennai - 600 008.

+1cc to Mr.T.Vijayaraghavan, Advocate, S.R.No.30895

+1cc to the Government Pleader, S.R.No.30853

W.P.NO.19209 OF 2017

GJ(CO)
PBS/18/08/2021