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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.8675 of 2014

and

M.P No.1 of 2014

1. Madanchand Singhvi
2. Shobha Singhvi
3. Sunitha Singhvi
4. Vinod Kumar Singhvi

...Petitioners

-Vs-

1. The Sub-Registrar,
Kodambakkam,
Chennai-600 024.
2. The Inspector General,
of Registration,
No.100, Santhome High Road,
Santhome,
Chennai-600 028.
3. Arul Sundari
4. T.Queen Rose
5. T.Vinarasi
6. P.Arokyarani
7. T.Rajina Mary
8. A.Muthu
9. P.Elango
10. Isakkai Pandian
11. M.Murthy

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to cancel the documents namely 1. The General Power dated 07.03.2007 duly executed by the deceased M.Thomas in favour of the 8th respondent vide Document No.651 of 2007, 2. The General Power dated 07.03.2007 duly executed by the respondents 3 to 7 also in favour of the 8th respondent vide Document No. 652 of 2007, 3. Sale Agreement dated 15.10.2007 duly executed by 8th respondent in his capacity as General Power Agent of M.Thomas and respondents 3 to 7 in favour of 8th and 9th respondents vide Document No.297 of 2008, 4. The General Power of Attorney dated



01.12.2011 duly executed by respondents 3 to 7 in favour of 10th respondent vide Document No.937 of 2011 and the Memorandum of Understanding and Agreement of Sale dated 26.12.2011 duly executed by the 10th respondent in his capacity as General Power Agent of the respondents 3 to 7 in favour of the 11th respondent vide Document No.4498 of 2011 that had been registered fraudulently at the Office of the Sub-Registrar, Kodambakkam the first respondent herein and consequently restore the original position in the encumbrance column pertaining to the petitioners property comprised of house ground and premises bearing Old Door No.60, New Door No.77, Periyar Pathai, Choolaimedu, Chennai - 600 094, within Paimash No. 357, T.S.No.1/8 and 1/10, Block No.2, Puliyur Village, Chennai District in all measuring 5375 square feet.

For Petitioners : Mr.D.Ashok Kumar

For Respondents

For R1 and R2 : Mr. M.R. Gokul Krishnan
Government Advocate.

For R3 to R11 : No Appearance

ORDER

The Writ Petition has been filed to direct the respondents 1 and 2 to cancel the documents namely 1. The General Power dated 07.03.2007 duly executed by the deceased M.Thomas in favour of the 8th respondent vide Document No.651 of 2007, 2. The General Power dated 07.03.2007 duly executed by the respondents 3 to 7 also in favour of the 8th respondent vide Document No. 652 of 2007, 3. Sale Agreement dated 15.10.2007 duly executed by 8th respondent in his capacity as General Power Agent of M.Thomas and respondents 3 to 7 in favour of 8th and 9th respondents vide Document No.297 of 2008, 4. The General Power of Attorney dated 01.12.2011 duly executed by respondents 3 to 7 in favour of 10th respondent vide Document No.937 of 2011 and the Memorandum of Understanding and Agreement of Sale dated 26.12.2011 duly executed by the 10th respondent in his capacity as General Power Agent of the respondents 3 to 7 in favour of the 11th respondent vide Document No.4498 of 2011 that had been registered fraudulently at the Office of the Sub-Registrar, Kodambakkam the first respondent herein and consequently restore the original position in the encumbrance column pertaining to the petitioners property comprised of house ground and premises bearing Old Door No.60, New Door No.77, Periyar Pathai, Choolaimedu, Chennai - 600 094, within Paimash No. 357, T.S.No.1/8 and 1/10, Block No.2, Puliyur Village, Chennai District in all measuring 5375 square feet.



2. Heard Mr.D.Ashok Kumar, learned counsel appearing for the petitioners, Mr.M.R.Gokul Krishnan, learned Government Advocate appearing for the respondents 1 and 2.

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3. The case of the petitioner is that they purchased the property comprised in Old Door No.60, New Door No.77, Periyar Pathai, Choolaimedu, Chennai-94 comprised in T.S.No.1/8 and 1/10 in Puliyur Village measuring to an extent of 5375 sq.ft registered as document Nos.2778, 2781, 2782 and 2783 of 1988 from one M.Thomas represented by his General Power Agent, Ashok Kumar Singhvi. Thereafter, the said M.Thomas indulged in fraudulent activities by executing the following documents:-

a) Deed of General Power of Attorney dated 07.03.2007 by M.Thomas in favour of 8th respondent, registered as Doct.No.651 of 2007;

b) Deed of General Power of Attorney dated 07.03.2007 by Respondents No.3 to 7 in favour of 8th respondent, registered as Doct.No.652 of 2007;

c) Sale agreement dated 15.10.2007 by Thomas with respondents No. 3 to 7 in favour of A.Muthu, registered as Doct.No.297 of 2008 when the property dealt with therein already sold to the Petitioners, herein.

d) On the demise of the above said M.Thomas the respondents 3 to 7 executed General Power in favour of the 10th respondent registered as Doct.No.937 of 2011.

e) The above said 10th respondents as General Power Agent of Respondents No.3 to 7 executed sale agreement with 11 respondents registered as Doct.No.4498 of 2011.

4. Those documents are fraudulent and the same had been done knowing fully well that they have no right or title over the property to execute those documents. Therefore, the petitioners sent representation through their counsel dated 26.08.2013 to the first respondent to cancel those documents on the ground that they fraudulently executed those documents. Since the same was not considered, the petitioner filed this present Writ Petition.

5. The learned counsel appearing for the petitioners stated that the Inspector General of Registration has issued a circular with regard to the cancellation of fraudulent documents by the District Registrar. However, the petitioners did not submit any representation to the District Registrar concerned to cancel those documents.



6. Considering the above facts and circumstances, the petitioners are directed to submit the fresh representation to the concerned District Registrar to cancel those documents. On receipt of the same, the concerned District Registrar is directed to consider the same in view of the circular issued by the Inspector General of Registration and pass orders after issuing notice to the parties concerned and after giving opportunity of hearing to them and pass order on merits and in accordance with law.

7. With the above directions, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rts/mn

To

1. The Sub-Registrar,
Kodambakkam,
Chennai-600 024.
2. The Inspector General,
of Registration,
No.100, Santhome High Road,
Santhome,
Chennai-600 028.

+1cc to Mr.D.Ashok Kumar, Advocate, S.R.No.44375
+1cc to the Government Pleader, S.R.No.44288

W.P. No.8675 of 2014
and M.P No.1 of 2014

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NSK 09/11/2021