



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.3009 of 2022

A. Jayaprakash

...Petitioner

Versus

1. The Sub Registrar
Ambattur Sub - Registrar Office
Ambattur,
Chennai - 600 053.

2. The District Registrar,
Chennai North,
Kuralagam,
Chennai.

3. The Managing Director
Margadarsichits Private Limited,
No.6, Indian Chamber Building,
3rd Floor,
Esplanade (Parrys)
Chennai - 600 108.

4. R. Manohar

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents 1 and 2 investigate into the matter as requested by petitioner in his representation dated 27.10.2021.

For Petitioner : Mr.D. Nellaiappan

For Respondents : Mr.Yogesh Kannadasan

Spl. Govt. Pleader for RR1 to 2

ORDER

The relief sought for by the petitioner in this Writ Petition is for a direction to the respondents 1 and 2 to investigate into the matter, vide his representation dated 27.10.2021.



2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondent.

3. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

4. The case of the petitioner is that he purchased the property measuring an extent of 1175 sq. ft. at 3rd Cross road, 8th avenue, Banu Nagar, Ambattur, Chennai - 53, from the 4th respondent by way of two sale deeds, registered as Document No.4330 of 2013, dated 12.04.2013 and Document No.4469 of 2013, dated 15.04.2013, after verification of all documents. It is averred that at the time of purchase of the said property, no subsisting encumbrances found in the Encumbrance Certificates except the mortgage loan for Rs.28,00,000/- availed by the 4th respondent from Repco bank. Later, it came to light that two entries of attachments found pertaining to the his property vide Ref. in ARC No.88 and 89 of 2013, dated 22.03.2013 and 27.05.2013 respectively. Thereafter, he submitted notice before the 1st and 2nd respondents to conduct enquiry and to cancel the fraudulent documents. Subsequently, he submitted representation dated 27.10.2021 to the respondents in the above regard, which has not evoked any response till date, which prompted filing the present writ petition.

3. Heard the learned counsel on either side and perused the materials placed on record.

3. Learned counsel for the petitioner submits that at the time of effecting purchase of the said property by the petitioner, no attachment orders reflected in the Encumbrance Certificates. He further pointed out that the petitioner's representation in the above regard has not been responded. Therefore, he prays before this Court that it would suffice, if the representation already submitted by the petitioner is directed to be disposed of by the respondents 1 & 2 by following due procedures.

4. Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents has no serious objection in granting such a direction to the respondents.

5. In view of the fair stand taken by the learned counsel on either side, this Court, without going into the merits of the case, directs the petitioner herein to submit a copy of his representation to the respondents 1 & 2, within a period of two weeks from the date of receipt of a copy of this order and on



receipt of the said representation, respondents 1 & 2 are directed to consider the same and pass appropriate orders on merits and in accordance with law, after affording opportunity to the interested parties within a period of twelve weeks.

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6. With the above directions, the writ petition stands disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi2

To

1. The Sub Registrar
Ambattur Sub - Registrar Office
Ambattur,
Chennai - 600 053.

2. The District Registrar,
Chennai North,
Kuralagam,
Chennai.

+1 CC to The Government Pleader sr 12373.
+1 CC to Mr.D.Nellaiappan, Advocate sr 11647.

W.P. No.3009 of 2022

PA(CO)
SP(24/03/2022)