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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2002 of 2022

James Jerene Jayanth

...Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
Raja Annamalaipuram,
Chennai - 600 028.

2. The Sub Registrar of Tambaram,
Tambaram,
Chennai - 600 059.

3.M/s.Sameeraa Foundation Pvt. Ltd.,
Rep. by its Director Mr.M.Sumitha,
W/o.Mr.J.Murugesan,
Meco House,
No.47, Anna Salai,
Chennai - 600 002.

...Respondents

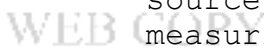
Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider the representation dated 28.11.2021 and further direct the 1st respondent to conduct the enquiry and to take action and remove the illegal transaction from the encumbrance.

For Petitioner : Mr.M.Madhu Prakash

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

The petitioner has filed this petition seeking issuance of writ of Mandamus, directing the 1st respondent to consider the representation dated 28.11.2021 and further direct the 1st



2. The petitioner is a doctor by profession and from a known source, the petitioner came to know that there was property measuring an extent of 0.38 cents (0.15.0 ars) comprised in S.F.No.58/1, patta no.589, situated at No.56, Vengambakkam Village, Tambaram Taluk, Kancheepuram District was for sale and one Mr.Santhakumar was holding the title of the property and the petitioner approached Mr.Santhakumar and showed his willingness to purchase the property and purchased it from him during the period 2008. After purchase of the property, the petitioner was in the possession of the property. While being so, one representative from M/s.Sameera Foundation entered into the petitioner's property claiming that they had purchased the said property. It is the claim of the petitioner that already in a similar issue in another property, the same M/s.Sameera Foundation had created a fake document and tried to claim the petitioner's in-laws property. Therefore, the petitioner given a complaint regarding the creation of the fake document, but till date, the 1st respondent have not initiated any steps regarding his complaint. Hence he constrained to approach this Court by filing this Writ Petition.

4. The learned Special Government Pleader appearing for the official respondents submitted that remedy is open to the petitioner to approach the competent Civil Court for cancellation of the fake documents and the 1st respondent is not competent to decide the issue between the petitioner and the 3rd respondent and hence prays for dismissal of this petition.

6.As rightly pointed out by the learned Special Government Pleader, the matter in issue is civil in nature and therefore this Court without going into the merits of the case, permits the petitioner to approach the competent Civil Court for cancellation of the fake documents.



7. This Writ Petition is dismissed with the above observations. No costs.

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Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
Raja Annamalaipuram,
Chennai - 600 028.

2. The Sub Registrar of Tambaram,
Tambaram,
Chennai - 600 059.

+1cc to the Government Pleader, S.R.No.9232

W.P.No.2002 of 2022

MT (CO)
RGA (17/03/2022)