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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.3550 of 2022
and WMP.No.3680 of 2022

M.Anbu

... Petitioner

-Vs-

- 1 The District Registrar
District Registrar Office Chengalpattu.
- 2 The Sub Registrar
Sub Registrar Office No.46 Uthiramerur
Uthiramerur Taluk Kanchipuram District.
- 3 Rupavati
Residing at No.1 Kailasanathakoil Street
Uthiramerur Taluk Kanchipuram District.
- 4 D.Munusamy
S/o. Doraisamy No.1 Koil Street
Kailasanathakoil Street Uthiramerur Taluk
Kanchipuram District. ... Respondents

Prayer: Petitions filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus directing the 1st respondent to conduct enquiry as against the 2nd Respondent pertaining to the fraudulent registration of documents by 4th respondent in Doc. No. 6240/2008 on the file SRO Uthiramerur NO. 46 Sub Registrar Office / 2nd respondent and to pass orders in accordance with in Letter. No. 20217 / U1 / 2021 dated 09.07.2021 within a stipulated period of time.

For petitioner : Mr. A.Ajimath Begum

For Respondents : Mr. Yogesh Kannadasan
1 and 2 Special Government Pleader

O R D E R

This Writ Petition has been filed seeking direction to the 1st respondent to conduct enquiry as against the 2nd Respondent pertaining to the fraudulent registration of



documents by 4th respondent in Doc. No. 6240/2008 on the file SRO Uthiramerur NO. 46 Sub Registrar Office / 2nd respondent and to pass orders in accordance with in Letter. No. 20217 / U1 / 2021 dated 09.07.2021 within a stipulated period of time.

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2. The property in New Survey No.878/108B-Y and Old S.No.878/108B-Y measuring an extent of 0.03 cent (1337 ½ sq. ft.) situated in Kailasanathar Koil Street, Uthiramerur Village, Uthiramerur Taluk, Kanchipuram District was purchased by the 3rd respondent from one Mannar Gownder which is registered as Document No.213/1981 on the file of the SRO, Uthiramerur. On 28.03.1983, the 3rd respondent mortgaged the said property with Uthiramerur Housing Cooperative Society Ltd. On 02.09.2009, the Mortgage executed by the 3rd respondent with the Uthiramerur Housing Cooperative Society Ltd., in Document No.398/1983 was released in Doc.No.1075/2009. After release of the mortgage, the 4th respondent executed sale deed in respect of the property vide Document No.6378/2014 in favour of one B.Jagadhis. The 3rd respondent lodged a complaint with the land grabbing cell as against the 4th respondent. Immediately, the 4th respondent cancelled the alleged fraudulent sale by way of cancellation of sale deed in Document No.6965/2014 on 09.07.2021. In this regard, the Registration Department passed circular with regard to the fraudulent registration and formulated the manner of enquiry to be conducted by the first respondent.

3. On 15.12.2021, the petitioner entered into sale agreement with the 3rd respondent for a sale consideration of Rs.12,00,000/- and also paid Rs.3,00,000/- as advance. When the petitioner made balance sale consideration, he approached the second respondent and told that there is forged document registered by one Darmalingam in the capacity of power agent as such the 3rd respondent sold the above said property to her husband vide sale deed dated 07.11.2008 on the file of the second respondent, for which, the petitioner gave a representations to the first respondent on several times to take action as against the fraudulent registration and the same was not considered till date. Hence, the petitioner has been filed a writ petition seeking the above said prayer.

4. The learned counsel for the petitioner submitted that on believing the words of the third respondent, the petitioner had entered into a sale agreement with her. After verifying the encumbrance, there were two sale deeds registered fraudulently. The learned counsel further submitted that one sale deed executed by the 4th respondent is alone cancelled so far and one another fraudulent sale deed is pending. Hence, the petitioner made a representation to the first respondent to take action with regard to the fraudulent documents registered by the 4th respondent and this Court may issue a direction to first the



respondent to consider the petitioner's representation and take action within the stipulated time as fixed by this Court.

5. The learned Special Government Pleader submitted that the representation will be considered and necessary action will be taken in this regard within the stipulated period as fixed by this Court.

6. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 & 2 and perused the materials available on record. Further, no adverse orders are passed against the respondents 3 & 4 and hence, the presence of the respondents 3 & 4 are dispensed with.

7. Considering the facts and circumstances of the case and the limited request made by the petitioner, this Court directs the first respondent to consider the representation dated 21.12.2021 made by the petitioner and conduct enquiry and pass order after affording opportunity to the 3rd and 4th respondents on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

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To

1 The District Registrar
District Registrar Office Chengalpattu.

2 The Sub Registrar
Sub Registrar Office No.46 Uthiramerur
Uthiramerur Taluk Kanchipuram District.

+1cc to Ms.A.Ajimath Begum, Advocate SR.No.11858

+1cc to Government Pleader SR.No.12781

W.P.No.3550 of 2022
and WMP.No.3680 of 2022

GPL(CO)
GMY(21/03/2022)