



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.20382 of 2013

A.G.Gopal

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Commercial Taxes and Registration Department,
St.George Fort,
Chennai - 600 009.

2.The Inspector General of Registration,
Santhome,
Chennai - 600 028.

3.The District Registrar,
Chennai (South),
Saidapet,
Chennai - 600 015.

4.The Sub-Registrar,
Guduvancherry,
Kancheepuram District.

5.Yelandammal

6.Murugesan

7.N.Muthan

8.M.Ramani

9.C.Sundari

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 3rd respondent to consider and dispose of the petitioner's representation dated 05.07.2013 relating to the illegal/fraudulent sale of the petitioner's property admeasuring 1.6 acres comprised in Survey No.307/5 and 0.26 cents comprised in Survey No.231/2B, Mannivakkam Village, Chingleput Taluk, Kancheepuram District, effected by the 8th respondent in favour of the 9th respondent in consonance with the proposition laid down by the Hon'ble Supreme Court of India in 1995 (5) SCC Page 550 in Indian Bank -Vs- Sathyam Fibres India Pvt Ltd.



For Petitioner : Mr.P.Karl Marx

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

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O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the 3rd respondent to consider and dispose of the petitioner's representation dated 05.07.2013 relating to the illegal/fraudulent sale of the petitioner's property ad measuring 1.6 acres comprised in Survey No.307/5 and 0.26 cents comprised in Survey No.231/2B, Mannivakkam Village, Chingleput Taluk, Kancheepuram District, effected by the 8th respondent in favour of the 9th respondent in consonance with the proposition laid down by the Hon'ble Supreme Court of India in the decision reported in 1995 (5) SCC 550 (Indian Bank -Vs- Sathyam Fibres India Pvt Ltd).

2. The case of the petitioner is that he has purchased the property in Survey No.307/5 from respondents 5 to 7 herein, along with their family members, who have conveyed the same under a registered sale deed dated 16.04.2007 on the file of 4th respondent/ Sub-Registrar. The aforesaid property was effected in favour of the petitioner together with his family members through their Power Agent namely A.G.Subbulakshmi. Further, the petitioner had purchased another property ad-measuring 0.26 cents of land in Survey No.231/2B, Mannivakkam Village, Chenglepet, Kancheepuram District from one Kannan and Murugesan on 16.04.2007 under Document No.5311/2007. The above sale deed was executed on the strength of a registered Power of Attorney in favour of the petitioner's wife. Pursuant to the said sale deed, dated 16.04.2007, the petitioner has kept the above said properties idle, with a proposal to hand over the same to some developers. That being the case, on 23.08.2012, the petitioner has applied for Encumbrance Certificate before the 4th respondent and secured the same, wherein the petitioner was totally transfixed and consternated by reflection of illegal entries in the said Encumbrance Certificate to the effect that the respondents 5 to 7, along with their legal heirs, have illegally settled their alleged share under two divergent release deeds in favour of the 8th respondent vide Document No.7759/2010, dated 23.09.2010, released by the 5th respondent in favour of the 8th respondent and the other release deed by the legal heirs of respondents 6 and 7, together with the respondents 6 and 7, releasing their alleged shares in favour of the 8th respondent under Document No.7769/2010, dated 30.07.2010. The other release deed, had been executed in favour of the 8th respondent. However, the above said illegal release had been effected on the file of the 4th respondent. He further submitted that the said illegal



release having been effected in respect of the aforesaid two properties of the petitioner in favour the 8th respondent, who in turn had executed a registered deed of sale on 06.06.2011 in favour of the 9th respondent, vide Document No.5933 of 2011. Therefore, the petitioner had made representation before the 3rd respondent dated 05.07.2013. However, the 3rd respondent has not passed any orders. Hence, the present Writ Petition is filed.

3. Though very many grounds have been raised, the learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 3rd respondent to consider and dispose of the petitioner's representation dated 05.07.2013 within a particular time that may be fixed by this Court.

4. The learned Special Government Pleader appearing for the respondents submitted that the petitioner's representation will be considered in the manner known to law.

5. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the 3rd respondent to consider the petitioner's representations dated 05.07.2013, on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

jd/nhs

To

1.The Secretary,
Commercial Taxes and Registration Department,
St.George Fort,
Chennai - 600 009.

2.The Inspector General of Registration,
Santhome, Chennai - 600 028.

3.The District Registrar,
Chennai (South),
Saidapet, Chennai - 600 015.



4.The Sub-Registrar,
Guduvancherry,
Kancheepuram District.

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+1cc to the Government Pleader, S.R.No.18811

W.P. No.20382 of 2013

RR(CO)
SB(05/04/2022)