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W.P.No.20778 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.20778 of 2015

And

M.P.No.1 of 2015 and W.M.P.No.20289 of 2016

A.Govindarajan

... Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Registration Department,
Santhome High Road,
Santhome,
Chennai-28.

2.The Sub-Registrar,
Virugambakkam Registrar Office,
Virugambakkam,
Chennai.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent in தடைமனு எண்.12/2015 dated 21.04.2015 and quash the same and direct the second respondent to record the decree of the competent court in O.S.No.12/2011 dated 13.09.2013 on the file of District Munsif Court at Poonamalee which declares that the sale



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deed vide document No.5017 dated 14.09.2006 in the register of Book No.1 of the second respondent office.

For Petitioner : Ms.P.Shanthini
for M/s.R.Karthikeyan
For Respondents : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records of the second respondent in தடைமனு எண்.12/2015 dated 21.04.2015 and quash the same and direct the second respondent to record the decree of the competent court in O.S.No.12/2011 dated 13.09.2013 on the file of District Munsif Court at Poonamalee which declares that the sale deed vide document No.5017 dated 14.09.2006 as null and void in the register of Book No.1 of the second respondent office.

2.The case of the petitioner is that the petitioner purchased the property bearing S.Nos.198/1 and 199/1 situated at Old NO.33, New No.8, 4th Cross Street, Janaki Nagar, Maduravoyal, Chennai. The petitioner applied for electricity service connection and he was informed that his sister raised objection to give electricity connection in his name. Hence, the petitioner applied for encumbrance certificate



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and he came to know that the petitioner's brother – in – law had alienated the said property in favour of the petitioner's sister by way of forged sale deed bearing document no.5017/2006 dated 14.09.2006.

3.The further case of the petitioner is that originally, the petitioner's vendor had executed power of attorney in favour of the petitioner's brother – in – law, however, subsequently cancelled the same on 08.09.2006 vide document no.3764/2006 and the petitioner's brother – in – law was aware of the cancellation of power of attorney.

4.The further case of the petitioner is that since the petitioner's brother – in – law and the petitioner's sister tried to alienate the property, the petitioner filed a suit in O.S.No.12 of 2011 before the District Munsif Court at Poonamalee for declaration that the sale deed vide document No.5017/2006 dated 14.09.2006 is null and void and vide judgment dated 13.09.2013, the said suit was decreed in favour of the petitioner. Thereafter, the petitioner made representation to the second respondent seeking to record the said decree, however, the second respondent refused to register the same and issued the impugned order. Hence, this writ petition.



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5.The learned counsel appearing for the petitioner submitted that, without going into the merits of the case, it would suffice, if this Court permits the petitioner to present the decree in O.S.No.12 of 2011 passed by the District Munsif Court at Poonamalee, dated 13.09.2013, in terms of Section 23 of the Registration Act.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.Perusal of records reveal that the petitioner instead of presenting the decree for registration, made representation to the second respondent, based on which the the second respondent has passed the impugned order. However, if the impugned order is allowed to stand, it will prevent the petitioner from registering the decree. Hence, this Court is inclined to set aside the impugned order.

8.The impugned order passed by the second respondent in தடைமனு எண்.12/2015, dated 21.04.2015 is set aside. The petitioner is permitted to present the decree in O.S.No.12 of 2011 passed by the District Munsif Court at Poonamalee, dated 13.09.2013, before the second respondent for registration in terms of the relevant Acts and



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Rules. If any such document is presented by the petitioner, the second respondent is directed to entertain the same and pass appropriate orders on receipt of necessary stamp duty and registration charges.

9.The writ petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

20.10.2022

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The Inspector General of Registration,
Office of the Registration Department,
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Santhome,
Chennai-28.

2.The Sub-Registrar,
Virugambakkam Registrar Office,
Virugambakkam,
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