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W.P.No.34863 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.11.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

W.P.No.34863 of 2015

Mrs.Lakshmi Rangarajan

...Petitioner

Versus

- 1.The District Registrar,
Registration Department,
Central Madras,
Chennai.
- 2.The Sub Registrar,
Registration Department,
Ashok Nagar,
Chennai.
- 3.The Inspector of Police,
Kumaran Nagar Police Station,
Jafferkhanpet,
Chennai.
- 4.Mr.Rajaveluswami

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st and 2nd respondents to initiate appropriate action against the fourth respondent for creating the forged document and cancel the forged document Mortgage Deed dated 20.05.2004 registered as Document No.1460 of 2004.



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For Petitioner : Mr.Maraimalai
For Respondents – 1 to 3 : Mr.G.Krishnaraja,
Additional Govt. Pleader
For Respondent – 4 : Notice Returned Unserved
with the postal endorsement,
“No Such Person”

ORDER

The relief sought by the petitioner in this writ petition is to direct the respondents 1 & 2 to initiate appropriate action against the fourth respondent for creating forged document and cancel the forged document viz., Mortgage Deed dated 20.05.2004 registered as Document No.1460 of 2004.

2. The case of the petitioner is that she purchased a property at Plot No.T-204 measuring to an extent of 880 Sq.ft comprised in Survey No.257/1 Part situated at Vallalar Street, Kodambakkam Village from one Mr.Samsudeen by way of Sale Deed dated 22.07.1985 which was registered as Document No.2287 of 1985 on the file of Sub Registrar Office, Kodambakkam. Originally, Tamil Nadu Housing Board (TNHB), K.K.Nagar Division, Chennai vide Allotment Order No.KKHS/15167/82



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dated 19.01.1983 had allotted the said property to said Samsudeen under lease cum sale basis. Then, the TNHB had executed a Sale Deed dated 25.07.1984 in favour of Samsudeen which was registered as Document No.2118 of 1984 on the file of Sub Registrar Office, Kodambakkam. Only thereafter, the said Samsudeen had sold the property to petitioner vide aforesaid Sale Deed dated 22.07.1985. From the date of execution of Sale Deed dated 22.07.1985, the petitioner has been in possession and enjoyment of the aforesaid property as an absolute owner. On 05.02.2005, Patta to the subject property was also granted in petitioner's name by Tahsildar, Mambalam, Chennai.

2.1. While so, when petitioner's husband along with an Engineer visited the subject property in order to measure the same for further construction, fourth respondent obstructed them from entering into the property by stating that he is the owner of the subject property since he had purchased the same from said Samsudeen. Hence, the petitioner's husband had filed an application before the Sub Registrar, Ashok Nagar for Encumbrance Certificate. Only after obtaining the Encumbrance Certificate, the petitioner came to know that a Mortgage Deed was executed



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by said Samsudeen in favour of fourth respondent and the same was also registered as Document No.1460 of 2004. Therefore, as against the fourth respondent, petitioner gave a complaint dated 18.08.2005 to the third respondent and another complaint dated 12.09.2005 to the Assistant Revenue Officer, Corporation of Chennai, Saidapet, Chennai.

2.2. In the meanwhile, the fourth respondent filed a suit in O.S.No.5740 of 2005 before the City Civil Court for injunction restraining the petitioner from interfering with the land at Plot No.T-204 measuring to an extent of 880 Sq.ft comprised in Survey No.257/1 Part and the same came to be dismissed on 31.10.2005.

2.3. On the other hand, as against the fraudulent act of fourth respondent, the said Samsudeen also gave a complaint dated 13.09.2005 to the second respondent. That apart, the said Samsudeen gave a complaint to the first respondent regarding the registration of forged document created by the fourth respondent and requested the first respondent to cancel the forged document viz., Mortgage Deed dated 20.05.2004 registered as Document No.1460 of 2004.



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2.4. Subsequently, the Inspector General of Registration Department vide order No.15413/C3/2008 dated 04.04.2008 directed the first respondent to take appropriate action against the fourth respondent, if Mortgage Deed dated 20.05.2004 registered as Document No.1460 of 2004 is forged. Then, the first respondent vide order No.5553/A1/2008 dated 05.05.2008 directed the second respondent to register a criminal complaint against the fourth respondent for registering the forged document. However, till date, no action has been taken against the fourth respondent. Hence, left with no other alternative, petitioner has filed the present writ petition before this Court.

3. The learned counsel for the petitioner submitted that though the fourth respondent is claiming ownership of the subject property on the basis of a forged Mortgaged Deed, till date, no action has been taken against him. He further submitted that it would suffice, if the first respondent is directed to conclude the proceedings dated 04.04.2008 forwarded by the Inspector General of Registration, within a time frame as stipulated by this Court.



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4. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that he has no objection to such direction being issued by this Court.

5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. Considering the limited relief sought by the petitioner in this writ petition, this Court directs the first respondent to conclude the proceedings dated 04.04.2008 forwarded by the Inspector General of Registration, within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner as well as fourth respondent.

7. With the above directions, this writ petition is disposed of. No costs.

14.11.2022

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Index : Yes/No

Speaking Order (or) Non-Speaking Order



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