



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.06.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11451 of 2022

Emily Sathiavathi

...Petitioner

Vs.

1. The District Registrar,
South Chennai,
Combined Commercial Tax and
Registration Department Building Fanpet,
Nandanam, Chennai - 600 035.
2. The Inspector General of Registration,
No.100, Santhome high Road,
Chennai - 600 028.
3. R.Durairaju
4. Saiprasad Woothukadu Audikesavalu
Rep. by his General Power of Attorney
W.A.Udhayakumari
5. Sarita L.Naidu
Rep. by her General Power of Attorney
W.A.Udhayakumari
6. G.Maria Joseph Praveen

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to pass appropriate speaking order on the petitioner's representation dated 07.01.2022 within specific time frame.

For Petitioner : Mr.G.Peranban

For Respondents R1 & R2 : Mr.Yogesh Kannadasan, Spl.GP

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 07.01.2022 and dispose of the same within the time frame stipulated by this Court.



2. Learned Special Government Pleader takes notice on behalf of the first and second respondent. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

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3. Since no adverse orders have been passed against the private respondents, notice to the private respondents is dispensed with.

4. The case of the petitioner is that she has purchased the property in Plot No.17, to the extent of 2400 sq.ft., comprised in Survey No.33/2A 2B 2C situated at Jothi Nagar, Old No.177-Madampakkam Village, Tambaram Taluk, Presently Chengalpat District from the General Power Agent of one S.Arumugam, vide registered Sale deed Document No.487/1990 and has also obtained the patta in Patta No.2095 in her favour and has transferred all the revenue records in respect of the subject property to her name. Whiles, the 6th respondent attempted to claim right over the said property based on the forged sale deed dated 18.02.2005. On verification, the petitioner came to know that one Durairaju / vendor of the petitioner's vendor collided with 4th and 5th respondents and executed the said Sale deed dated 18.02.2005. Further, from the Encumbrance Certificate, the petitioner came to know that there is one more illegal entry of General Power of Attorney made by the 4th and 5th respondents in favour of the 6th respondent on 28.01.2010. Immediately thereafter, the petitioner filed a complaint before Selaiyur Police Station and also made a written complaint/representation dated 07.01.2022 before the 1st respondent regarding the same. However, till date, the same was not considered and no action has been initiated by the 1st and 2nd respondents as against the private respondents. Hence, this Writ petition is filed.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 1st respondent to consider the petitioner's complaint / representation dated 07.01.2022 and consequent direction to cancel the fraudulent Sale deed dated 18.02.2005 & General Power of Attorney dated 28.01.2010 and to take action against the private respondents as expeditiously as possible.

6. Learned Special Government Pleader appearing on behalf of the 1st and 2nd respondents submitted that the petitioner has made an application / complaint in terms of Section 77(A) of Registration Act, hence, the same was not considered. However, he fairly conceded that the petitioner may be permitted to file representation under Section 68 (2) of the said Act, which will be considered and appropriate orders will be passed within the time frame that may be stipulated by this Court.



7. Though the petitioner made a complaint / representation before the 1st respondent, however, it has been filed under Section 77-A of the Registration Act, which is a wrong provision to be invoked. In order to render substantial justice, this Court by invoking its extraordinary power vested under Article 226 of the Constitution, directs the 1st respondent to consider the petitioner's complaint / representation dated 07.01.2022 filed under section 77-A as a representation filed under Section 68(2) of the Act and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording opportunity of hearing to the petitioner as well as the private respondents.

8. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

skt
To

1. The District Registrar,
South Chennai,
Combined Commercial Tax and
Registration Department Building Fanpet,
Nandanam, Chennai - 600 035.
2. The Inspector General of Registration,
No.100, Santhome high Road,
Chennai - 600 028.

+1 cc to Government Pleader Sr.NO. 33035

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skm(CO)
A.SK(01/07/2022)