

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10948 of 2022

Ramanathan

... Petitioner

Vs.

- 1.The Inspector General of Registration,
Santhome High Road,
Chennai - 28.
- 2.The Deputy Inspector of Registration,
Cuddalore District.
- 3.The District Registrar (Administration),
Tindivanam.
- 4.The Sub-Registrar,
Marakkanam.

... Respondents

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 09.02.2022 consequently, direct the respondents to put the footnote about the fraudulent transaction of the documents registered on the file of the 4th respondent with respect to the petitioner's property bearing S.Nos.571 and 794 in Marakkanam Village, Marakkanam Taluk.

For Petitioner : Mr.S.N.Subramani

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

O R D E R

This petition has been filed for issuance of writ of Mandamus to direct the respondents to consider the petitioner's representation dated 09.02.2022 and consequently, direct the respondents to put the footnote about the fraudulent transaction

of the documents registered on the file of the 4th respondent with respect to the petitioner's property bearing S.Nos.571 and 794 in Marakkanam Village, Marakkanam Taluk.

2. The case of the petitioner is that the petitioner owned a property admeasuring about 40.38 acres, bearing Old S.No.571, New S.No.794, Marakkanam Village, Villupuram District. One Rajaram @ Rathinasabapathy executed a registered Will in Doc.No.81/1993 dated 30.09.1993 registered on the file of Sub-Registrar, Tiruvottiyur in favour of Nithyanandam and others. Subsequently, Nithyanandam and others colluded with one Arunachalam, Yogarani, Raghu and Chockalingam created forged documents with respect to the petitioner's property in S.Nos.571 & 794. Immediately after came to know about the illegal transaction, the petitioner had lodged a complaint before the Superintendent of Police, Villupuram. After enquiry, the District Crime Branch had registered a case in Cr.No.5 of 2008 on 28.04.2008 for the offence under Sections 465, 468, 469, 471 and 420 of I.P.C. and charge sheet was filed in C.C.No.117 of 2008. Subsequently, the Revenue officials cancelled the patta, which was fraudulently obtained. However, the earlier entry made at the time when the fraudulent transaction had taken place continued in the Encumbrance Certificate and therefore, the petitioner made a representation dated 09.02.2022 to the second respondent seeking to cancel the fraudulent document created in S.Nos.571 and 794 and to make necessary entry in the Encumbrance Certificate. The second respondent had forwarded the same to the third respondent to take necessary action. However, till date, no order was passed by the third respondent. Hence, the petitioner has filed this petition.

3. The learned counsel appearing for the petitioner submitted that though the petitioner is aggrieved by the fraudulent transaction, those persons were not arrayed as party in the writ petition, however, it would suffice, if this Court issues direction to the third respondent to conduct enquiry in terms of Section 68(2) of the Registration Act by considering his representation dated 09.02.2022, within a stipulated time frame as fixed by this Court.

4. The learned Special Government Pleader appearing for the official respondents has no objections for the said order being passed and he submitted that appropriate order will be passed on the representation of the petitioner dated 09.02.2022 within a stipulated time frame.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. In view of the limited prayer sought for by the petitioner, this Court without expressing any opinion on the merits of the case, directs the third respondent to consider the representation of the petitioner dated 09.02.2022 and conduct enquiry in terms of Section 68(2) of the Registration Act and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the aggrieved persons, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

rsi

To

- 1.The Inspector General of Registration,
Santhome High Road,
Chennai - 28.
- 2.The Deputy Inspector of Registration,
Cuddalore District.
- 3.The District Registrar (Administration),
Tindivanam.
- 4.The Sub-Registrar,
Marakkanam.

+1cc to Mr.S.N.Subramani, Advocate SR.No.35767

W.P.No.10948 of 2022

SV(CO)
CB(26/07/2022)