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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2022

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.12163 of 2022

and

W.M.P.No.11616 of 2022

R.S.Srinivasan

...Petitioner

Versus

1.The District Collector
Thiruvallur District

2.The Secretary to Government
Registration Department
Secretariat,
Chennai - 600 009

3.The Inspector General of Registration
Santhome High Road
Mylapore,
Chennai - 600 004

4.The District Registrar
Registration Department
Kanchipuram District

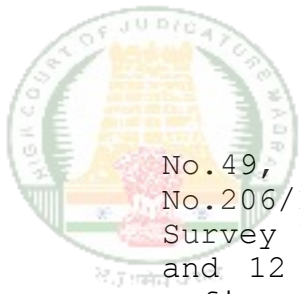
5.The Sub-Registrar
Thiruvalangadu
Thiruvallur District

6.The Superintendent of Police
Thiruvallur District

7.The Inspector of Police
Thiruvalangadu Police Station
Thiruvallur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the fourth respondent herein, to consider the representation of the petitioner dated 12.04.2022, insofar as in the said representation, the petitioner had sought for to recover and handover the possession of the property, situated at



No.49, Veeraraghavapuram Village, Patta No.181 (i) Survey No.206/13(0.56 acre) (ii) Survey No.206/14(0.56 acre) (iii) Survey No.1 (2 acre) and 92 nos. of mango trees, totally 3 acre and 12 cents, which was illegal taken up by certain criminal mafia group/unscrupulous/deceitful persons, which persons therein had created and forged documents concerning the said property by illegal means by illegal activities.

For Petitioner : Mr.S.Baskaran
For Respondents : Mr.Ayyadurai
Government Advocate

ORDER

The relief sought in this writ petition is to issue a Writ of Mandamus directing the fourth respondent to consider the representation of the petitioner dated 12.04.2022, seeking to recover and handover the possession of the properties situated at No.49, Veeraraghavapuram Village, Patta No.181 (i) Survey No.206/13(0.56 acre) (ii) Survey No.206/14(0.56 acre) (iii) Survey No.1 (2 acre) and 92 nos. of mango trees, totally 3 acre and 12 cents, which were illegally taken up by certain persons through forged documents.

2. According to the petitioner, by way of a registered partition deed, bearing document No.1543 of 2005, dated 06.04.2005 executed among their family members, he became the absolute owner of the properties situated at No.49, Veeraraghavapuram Village, Patta No.181, (i) Survey No.206/13 (0.56 acre) (ii) Survey No.206/14 (0.56 acre) (iii) Survey No.1 (2 acre) and 92 numbers of mango trees comprising to the total extent of 3 acre and 12 cents. Since his father is aged about 97 years and is suffering from various medical ailments, in order to develop and manage his properties, the petitioner executed a power of attorney in favour of one N.B.Venkatesan. Pursuant to the same, the said N.B.Venkatesan executed a equitable mortgage deed dated 26.06.2019 for an amount of Rs. 1 lakh in favour of his son namely V.Karthikeyan vide Doc.No.1402/2019, on the file of the SRO, Thiruvalangadu, Thiruvallur District, in respect of the properties of the petitioner. When the same was questioned by the petitioner, his power agent N.B.Venkatesan, instead of repenting for the acts done by him, threatened him with dire consequences. Hence, the petitioner sent a detailed representation to the respondents on 12.04.2022, requesting to take appropriate action for recovery and handing over the possession of the properties to him, but, till date, no action was taken on the same. Therefore, this writ petition.



3. Heard the learned counsel for the petitioner and the learned Government Advocate taking notice for the respondents and also perused the documents enclosed in the typed set of papers.

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4. Considering the facts and circumstances of the case, this court is of the view that the issue involved herein is nothing but a dispute between two individuals and hence, the same cannot be gone into under Article 226 of the Constitution of India. At the same time, taking note of the act of forgery, according to the petitioner, committed by the third party by fraudulent transaction and having regard to the limited relief sought in this writ petition, this Court without expressing any opinion on the merits of the case, directs the respondent authorities to consider the representation dated 12.04.2022 of the petitioner and pass appropriate orders, on merits and in accordance with law, after providing an opportunity of hearing to the petitioner as well as any other interested parties, within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

// True Copy//

Sub-Assistant Registrar

dhk/rsh

To

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Thiruvallur District.

+2cc to Mr.S.Baskaran, Advocate, S.R.No.31167

+1cc to the Government Pleader, S.R.No.31260

W.P. No. 12163 of 2022

AJS (CO)
RN(25/05/2022)