



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2022

CORAM :

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P. No. 12190 of 2022

V. Balasubramani

..Petitioner

Versus

1. The Inspector General of Registration  
No.100, Santhome Road,  
Mylima Nagar,  
Mandhaivelipakkam,  
Rajaannamalaipuram,  
Chennai - 600 028.
2. The District Registrar (Central Chennai),  
No.268, Bharathi Salai,  
Express Estate, Royapettah,  
Chennai - 600 014.
3. The Sub Registrar,  
Purasaiwalkam Sub-Registrar Office,  
No.93/21, Bricklin Road,  
Otteri, Purasaiwalkam,  
Chennai - 600 010.
4. Uma Mageshwari
5. V.Parthasarathy
6. Sundaramoorthy
7. M/s.Signet Foundation,  
A Partnership Firm, represented by its  
Managing Partner Mr.I.S.Haroon Baakshah,  
S/o.Late Mr.Syed Ismail,  
Having Office at No.47, G-1, Harris Flats,  
Harris Road, Sayee Nagar Annex,  
Virugambakkam, Chennai - 600 092.

..Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to consider and pass orders on the petitioner's representation dated 25.09.2021, to conduct enquiry and cancel the forged Sale Deed dated 07.01.2021 registered as Doc.No.65 of 2021 at S.R.O., Purasaivakkam and the consequential



Rectification Deed dated 02.03.2021 registered as Doc. No.1478 of 2021 at S.R.O., Purasaivakkam executed by the respondents 4 to 6 to in favour of 7th respondent by way of creating forged and fabricated documents.

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For Petitioner : Mr. K. Suthan

For Respondents : Mr.V.Manoharan  
Additional Government Pleader

### O R D E R

This writ petition has been filed by the petitioner for issuance of a Writ of Mandamus directing the respondents 1 to 3 to consider his representation dated 25.09.2021, to conduct an enquiry thereon and cancel the forged sale deed, dated 07.01.2021, registered as Doc.No.65 of 2021 on the file of Sub-Registrar, Purasaivakkam and the consequential Rectification Deed dated 02.03.2021, registered as Doc.No.1478 of 2021 on the file of Sub-Registrar, Purasaivakkam, which were executed by the respondents 4 to 6 in favour of the 7<sup>th</sup> respondent on the basis of forged and fabricated documents.

2.The case of the petitioner is that his parents died intestate leaving behind the petitioner and his brothers, namely Prasath, Rangan, Parthasarathy/5<sup>th</sup> respondent and Sundaramoorthy/6<sup>th</sup> respondent and sisters namely Jaya, Uma Mageshwari/4<sup>th</sup> respondent, Karpagam @ Kuppabhai, as legal heirs. Among his brothers, Prasath and Rangan died as bachelors and Karpagam @ Kuppabhai and her husband also died intestate. Therefore, the remaining children, viz., the petitioner, Parthasarathy/5<sup>th</sup> respondent, Sundaramoorthy/6<sup>th</sup> respondent, Jaya, Uma Mageshwari/4<sup>th</sup> respondent and legal heirs of Karpagam @ Kuppabhai are the legal heirs to succeed to the estate of his parents. During the life time of the petitioner's mother, she purchased a property bearing Door No.48/24, Nallaiya Naidu Street, Nammalwarpet, Old Survey Nos.578 and 590, R.S.No.3185/1, Block No.56, as per Patta R.S.No.3185/2015, Purasawalkam Village and Taluk, Chennai District, measuring an extent of 2516 sq.ft., vide registered sale deed, dated 29.03.1966. Thereafter, she settled the said property vide registered sale deed, dated 04.11.2004, in favour of the petitioner and his brothers Rangan and Parthasarathy. As stated above, Rangan died as bachelor leaving behind the petitioner and other siblings as legal heirs in respect of his share over the aforesaid property.

3.The grievance of the petitioner is that Uma Mageshwari/4<sup>th</sup> respondent, Parthasarathy/5<sup>th</sup> respondent and Sundaramoorthy/6<sup>th</sup>



respondent, with a view to grab the petitioner's share over the undivided half share pertaining to his deceased brother Rangan, created a forged Legal Heirship Certificate as if the petitioner's parents had only five legal heirs and based on the same, sold the entire property to the 7<sup>th</sup> respondent by way of sale deed, dated 07.01.2021, registered as Doc.No.65 of 2021 besides executing a Rectification Deed, dated 02.03.2021, registered as Doc.No.1478 of 2021, both on the file of the Sub-Registrar's Office, Purasaivakkam. By virtue of the execution of the sale deed dated 07.01.2021, they have cheated the petitioner of his lawful share in the property of his brother, who died as a bachelor. Therefore, the petitioner lodged a complaint with the Central Crime Branch based on which a First Information Report in Crime No.87 of 2022 came to be registered for the offences under Sections 420, 463, 467, 468 r/w. 34 IPC and investigation is pending.

4. According to the petitioner, the fraudulent documents were created with the aid of one Haroon Baksha, owner of the 7<sup>th</sup> respondent Company. On coming to know about the same, the petitioner submitted a representation, dated 25.09.2021, to the respondents 1 to 3 to cancel the aforesaid sale deed, dated 07.01.2021, and Rectification Deed, dated 02.03.2021, but his representation did not evoke any response. Therefore, left with no other option, the petitioner has filed the present writ petition.

5. Though a larger relief has been sought for in the writ petition, the learned counsel for the petitioner restricted his submissions by stating that the representation of the petitioner, dated 25.09.2021, may be directed to be considered by the second respondent and appropriate orders may be passed thereof, within a time limit to be fixed by this Court.

6. Mr. V. Manoharan, learned Additional Government Pleader who takes notice for the respondents 1 to 3, fairly acceded to the submissions made by the learned counsel for the petitioner and submitted that the petitioner's representation dated 25.09.2021 would be considered by the second respondent within a time period to be fixed by this Court.

7. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, without expressing any opinion on the merits of the case of the petitioner, this Court directs the second respondent to consider the representation of the petitioner dated 25.09.2021 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording due opportunity of personal hearing to all the parties concerned.



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8. With this direction, this writ petition is disposed of.  
No costs.

Sd/-  
Assistant Registrar  
Vacation Officer

//True Copy//

Sub Assistant Registrar

mkkn/rsh

To

1. The Inspector General of Registration,  
No.100, Santhome Road,  
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Rajaannamalaipuram,  
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Otteri, Purasaiwalkam,  
Chennai - 600 010.

+1cc to the Government Pleader, S.R.No.31288

WP No. 12190 of 2022

JPL(CO)  
RGA(19/05/2022)