



WEB COPY



W.P. No.15439 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.15439 of 2022

and

W.M.P.No.14589 of 2022

A.V.Gopala Krishnan

Vs.

... Petitioner

1. The District Registrar (Admin.), South Chennai,
Income Tax and Registration Department,
Combined Building (Ground Floor),
Veterinary Hospital Road,
Fanepet, Chennai 600 035.

2. Inspector General of Registration,
100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, R.A. Puram,
Chennai 600 028.

3. The Sub-Registrar, Adyar
No.51, Kamarajar Avenue,
Adyar, Chennai 600 020.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 28.08.2021, pursuant to the letter bearing reference number 1091/2021 dated 10.12.2021 issued by the third respondent, and to take appropriate action in a time bound manner, in



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accordance with the procedure prescribed under Circular No.41530/U1/2017 dated 31.07.2018 in relation to the cancellation of fraudulent registration of documents and the provisions of the Registration Act, 1908.

For Petitioner : M/S.Prahalad K.Bhat

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 28.08.2021, pursuant to the Letter bearing reference number 1091/2021 dated 10.12.2021 issued by the third respondent, and to take appropriate action in a time bound manner, in accordance with the procedure prescribed under Circular No.41530/U1/2017 dated 31.07.2018 in relation to the cancellation of fraudulent registration of documents and the provisions of the Registration Act, 1908.

2. The case of the petitioner is that the land, ad-measuring an extent of 2.62 cents, comprised in old Survey No.265/9, New Survey No.265/29 (as per Patta No.2402), situated at Kottivakkam Village, Tambaram Taluk, Kancheepuram District, was purchased from one Mr.Jayapal for a valuable sale consideration, vide Sale Deed, dated 23.03.1988, registered as Document No.890 of 1988 on the file of the Sub-Registrar, Adyar.



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Subsequent to the purchase of the aforesaid property, the petitioner is in absolute possession and enjoyment of the said property. While so, the Patta and Chitta were issued by the Competent Authority in the name of the petitioner. Further, the petitioner also obtained Encumbrance Certificate in respect of the aforesaid property. However, the petitioner came to know that without his knowledge, the petitioner's vendor had executed a Settlement Deed in favour of their legal heirs, who in turn, the said legal heirs of the vendor had executed Sale Deed in favour of some third parties. Therefore, the petitioner made representation dated 28.08.2021 before the respondents, seeking to conduct an enquiry with respect to the fraudulent registration of the aforesaid property. Further, the petitioner filed Writ Petitions in W.P.Nos.13831 of 2017, 20333 of 2019, 1066 of 2015, this Court, issued direction to consider his complaint and pass orders within a period of three months, pursuant to which, the petitioner received a Letter No.1091/2021 dated 10.12.2021 issued by the third respondent to the second respondent. However, till date, no order has been passed in terms of Section 68(2) of the Registration Act, and therefore, the petitioner has filed the present Writ Petition.

3. Though very many grounds have been raised in this Writ Petition,



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learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the first respondent to consider the petitioner's representation 28.08.2021 and pass orders on the same within a particular time frame that may be fixed by this Court.

4. The learned Special Government Pleader appearing for the respondents has no objection for the said order being passed.

5. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's representation dated 28.08.2021 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Speaking order : Yes / No
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