



WEB COPY



W.P.No.2836 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2836 of 2018

R.Venkateshwaran

... Petitioner

Vs.

1.The District Registrar,
No.9, Jennis Road,
Saidapet, Chennai – 600 015.

2.The Sub-Registrar,
Neelankarai,
Kazura Gardens,
Neelankarai, Chennai.

3.Jonnalgadda Lakshmi Siva Jothi

... Respondents

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Mandamus directing the first respondent to cancel document No.792 of 2012 dated 10.02.2012 and remove the entry in the Encumbrance Certificate.

For Petitioner : Mr.Zaffarullah Khan

For RR1 & 2 : Mr.Yogesh Kannadasan,
Special Government Pleader



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ORDER

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2. Though notice was served on the third respondent, none appeared on behalf of her. Since no adverse order is being passed against the third respondent, her appearance is dispensed with.

3. The case of the petitioner is that the petitioner claimed to be the owner of the property bearing Plot No.708, measuring an extent of 2400 sq.ft comprised in S.No.421/1 of Semmanchery Village, Saidapet Taluk. The petitioner had purchased the said property vide Doc.No.400 of 1974 dated 17.08.1974 and thereafter Revenue records were mutated in favour of him and patta was issued on 11.06.2004 by the Revenue officials. While so, the third respondent without any authority had created a bogus document in Doc.No.792 of 2012 by impersonation and executed a sale deed dated 10.02.2012 and entry was also made in Encumbrance Certificate. Immediately after knowing the fact, the petitioner made a complaint before the Law Enforcing Agency and a case was registered in F.I.R.No.259 of 2012 dated 01.05.2012. Thereafter, the



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petitioner made a representation dated 06.11.2012 before the first respondent/District Registrar, requesting to issue order for cancellation of fraudulent registration by the third respondent. However, till date, no order was passed by the first respondent. Hence, the present writ petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner had made a representation as early as on 06.11.2012, however, this Court may permit the petitioner to make a fresh representation before the first respondent, to conduct enquiry in terms of Section 68(2) of the Registration Act, within a stipulated time frame as fixed by this Court.

5. The learned Special Government Pleader appearing for the official respondents has no objections for the said order being passed.

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

7. In view of the limited prayer sought for by the petitioner, this Court without expressing any opinion on the merits of the case, permits the petitioner to make a fresh representation before the first respondent/District Registrar



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within a period of two weeks from the date of receipt of a copy of this order. If such representation is made, the first respondent/District Registrar is directed to consider the same 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 third respondent, within a period of twelve weeks thereafter.

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

14.06.2022

Index : Yes/No
Internet : Yes/No
Speaking / Non speaking order
rsi



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To

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M.DHANDAPANI, J.

rsi

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