



WEB COPY



W.P.No.25750 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.25750 of 2022

Anita Goenka,
Rep. by her son and Power of Attorney Agent,
Mr.Shishir Goenka
2nd Floor, Ganapathy Apartments,
34, Conron Smith Road,
Gopalapuram, Chennai 600 086.

... Petitioner

Vs.

1.The Sub Registrar,
21/8, Market Street, Kaladipet,
Thiruvottiyur, Chennai – 600 001.

2.The District Registrar,
Chennai North,
First Floor, Kuralagam,
Chennai – 600 108.

3.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai – 600 028.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent herein to consider the representation dated 06.06.2022 to take action and cancel the fabricated documents in respect of the land situated in S.No.131/2.



WEB COPY



W.P.No.25750 of 2022

For Petitioner : Mr.Rajesh Ramanathan
For Respondents : Mr.T.K.Saravanan,
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the 2nd respondent herein to consider the representation dated 06.06.2022 to take action and cancel the fabricated documents in respect of the land situated in S.No.131/2.

2. The case of the petitioner is that, in the year 1988, the petitioner purchased agricultural lands measuring an extent of 1.08 acres comprised in Survey Nos.131/5 (38 Cents), 131/4 (38 Cents), 131/3 (16 Cents) and 131/2 (16 Cents) situated at No.21 (old No.24), Manali, Thiruvottiyur Taluk, Thiruvallur District, through a registered Sale Deed, dated 23.09.1988, vide Doc.No.4707 of 1988 on the file of the first respondent. It is stated that, during the year 2012, the petitioner's husband transferred the lands bearing Survey Nos.131/2 (16 Cents) and 131/3 (16 Cents) and 131/4 (38 Cents) to the total extent of 70 Cents in favour of the petitioner and lands bearing Survey No.131/5 (38 Cents) in favour of his son, through a registered Settlement Deed, dated 08.03.2012, vide Doc.No.1968 of 2012 on the file of first respondent. While such being so, when the petitioner applied for an Encumbrance Certificate in respect of the entire Survey No.131, she came to



W.P.No.25750 of 2022

know that certain entries were made from the year 2020 onwards pertaining to her land in S.No.131/2 in the form of Settlement Deeds, bearing Doc.Nos.6346 of 2020 and 6518 of 2020 dated 05.11.2020 and 06.11.2020 respectively and Patta was also issued in the name of some third party, vide Patta bearing No.1206. Therefore, the petitioner made a representation dated 06.06.2022 before the second respondent, seeking to conduct an enquiry for the purpose of cancellation of the documents registered by the private respondents based on the fabricated Patta No.1206 and to cancel the same. Since the said representation was not considered by the respondents, the petitioner had filed the present Writ Petition.

3. The learned counsel for the petitioner submitted that it would suffice, if this Court issues a direction to the second respondent to consider the petitioner's representation dated 06.06.2022 and pass orders on the same within a particular time frame that to be fixed by this Court.

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

5. In view of the aforesaid submission, this Court, without



W.P.No.25750 of 2022

expressing any opinion on the merits of the case, directs the second respondent to consider the petitioner's representation dated 06.06.2022 and pass appropriate orders in terms of Section 68(2) or 77A of the Registration Act on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and other aggrieved person if any, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above observations and direction, this Writ Petition is disposed of. No costs.

26.09.2022

Index : Yes / No
Speaking order: Yes/ No

jd

To

1.The Sub Registrar,
21/8, Market Street, Kaladipet,
Thiruvottiyur, Chennai – 600 001.

2.The District Registrar,
Chennai North,
First Floor, Kuralagam,
Chennai – 600 108.



WEB COPY



W.P.No.25750 of 2022

M.DHANDAPANI, J.
jd

3.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai – 600 028.

W.P.No.25750 of 2022

26.09.2022