



W.P.No.25614 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

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Padmavathy Mani Pillai

... Petitioner

Vs.

1.The District Registrar,
No.52, Orikkai Madura,
Udhayamangalam Village,
Near Anna Kudiyruppu,
Kancheepuram – 631 502.

2. Inspector General of Registration,
100, Santhome High Road, Mulima Nagar,
Manadavelipakkam, Raja Annamalai Puram,
Chennai – 600 082.

3.D.Pachaiyappan Pillai

4.M.Usha

5.Sabari

6.R.Revathi

7.Bhavani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to dispose of



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the complaint dated 15.11.2021 given by the petitioner pertaining to the cancellation of fraudulent documents namely, Sale Deeds bearing Document Nos.3657 of 2018, 3658 of 2018, 3659 of 2018 and 3660 of 2018, all dated 12.09.2018, registered on the file of the Sub-Registrar, Walajabad.

For Petitioner : M/S.Rohini Ravikumar
For R1 & R2 : Mr.C.Kathiravan
Special Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 1st respondent to dispose of the complaint dated 15.11.2021 given by the petitioner pertaining to the cancellation of fraudulent documents namely, Sale Deeds bearing Document Nos.3657 of 2018, 3658 of 2018, 3659 of 2018 and 3660 of 2018, all dated 12.09.2018, registered on the file of the Sub-Registrar, Walajabad.

2. Since no adverse order is being passed against the private respondents, notice to the private respondents is dispensed with.

3. The case of the petitioner is that, originally the petitioner's father, namely Mr.Delliballaiya owned agricultural land situated at Panrutti Village, Sriperambadur District. The petitioner's father executed a Power of Attorney, dated 19.05.2008 in favour of petitioner's brother, namely Mr.D.Pachiyappan



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Pillai/third respondent herein, registered as Doc.No.363 of 2008 on the file of

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Sub Registrar Office, Walajabad. After the demise of petitioner's father, the petitioner obtained Legal Heirship Certificate, and she intended to transfer the patta in her name and other legal heirs. Thereafter, when the petitioner applied and obtained Encumbrance Certificate for the aforesaid property, she came to know that the third respondent sold the aforesaid property to various third parties by way of annexing a "Fake Life Certificate" of his father and has fraudulently registered the sale deeds, dated 12.09.2018, vide Doc.Nos.3657, 3658, 3659 and 3660 of 2018 on the file of Sub Registrar Office, Walajabad. Therefore, the petitioner lodged a criminal complaint with the District Crime Branch (Land Grabbing Division), Kancheepuram against the aforesaid fraudulent sale deeds. Further, the petitioner also made a representation dated 15.11.2021 before the first respondent, regarding cancellation of the aforesaid fraudulent registered sale deeds, pursuant to which, the first respondent summoned the petitioner to produce all the relevant documents to the office. However, the first respondent has not taken any effective steps to cancel the fraudulent sale deeds and effect appropriate entry in the Encumbrance Certificate. Hence, the petitioner filed the present Writ Petition.



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4. The learned counsel for the petitioner submitted that it would suffice, if this Court issues a direction to the first respondent to consider the petitioner's complaint dated 15.11.2021 and pass orders within a particular time frame that has to be fixed by this Court.

5. The learned Special Government Pleader appearing for the respondents 1 and 2 has no objection for the said order being passed.

6. In view of the aforesaid submission, this Court without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's complaint dated 15.11.2021 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the private respondents herein, within a period of twelve weeks from the date of receipt of a copy of this order.

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

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Index : Yes / No
Speaking order: Yes/ No

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To

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