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W.P.No.6608 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6608 of 2017

D.Charles

... Petitioner

Vs.

1.The District Registrar,
No.9, Jenis Road,
Saidapet,
Chennai – 15.

2.The Sub Registrar,
Saidapet,
Chennai.

3.The Sub Registrar,
Virugambakkam,
Chennai.

4.The District Registrar,
Chennai South,
No.124, Arcot Road,
1st Floor, Virugambakkam,
Chennai – 92.

5.T.Mari

6.Prakash

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 4 to conduct



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enquiry under the provisions of Indian Registration Act and thereby cancel and de-register in respect of the false and forged documents No.1231/1979, SRO Saidapet and the Document No.2718/2016, dated 04.04.2016 SRO, Virugambakkam and thereby take action against all the concerned under the above said Act by considering the representations dated 14.09.2016.

For Petitioner : Mr.V.T.Narendiran

For Respondents : Mr.E.Vijay Anand for R1 to R4
Additional Government Pleader
M/s.M.Liagat Ali for R5
R6 – Tapal Returned 'vacated'

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 to 4 to conduct enquiry under the provisions of Indian Registration Act and thereby cancel and de-register in respect of the false and forged documents No.1231/1979, SRO Saidapet and Document No.2718/2016, dated 04.04.2016 SRO, Virugambakkam and thereby take action against all the concerned under the above said Act by considering the representation dated 14.09.2016.

2.The case of the petitioner is that one Raju Mudaliyar was the owner of the disputed property and he executed lease deed in favour



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of the petitioner's father and after the demise of the petitioner's father, the petitioner is in possession of the property as a lessee.

Whiles, the fifth respondent claim that he is the owner of the property. Hence, the petitioner made representation to the respondents on 14.09.2016 seeking to conduct enquiry under the provisions of the Indian Registration Act and to cancel and de-register the false and forged documents bearing Document No.1231/1979, dated 17.05.1979 and Document No.2718/2016, dated 04.04.2016, registered on the file of SRO, Virugambakkam and to take action against all the concerned under the above said Act and since the same has not yet been considered, has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that the legal heirs of the said Raju Mudaliyar filed suit against the fifth respondent and the petitioner has also filed a suit for injunction against the fifth respondent.

4.The learned counsel appearing for the petitioner further submitted that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to consider



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the petitioner's representation made on 14.09.2016 and to pass appropriate orders within a reasonable time frame.

5.The petitioner claim that one Raju Mudaliyar was the owner of the disputed property and he executed lease deed in favour of the petitioner's father and subsequent to the demise of the said Raju Mudaliyar and petitioner's father, the petitioner is in possession of the property as a lessee, whereas, the fifth respondent claim title vide Document No.1231/1979, dated 17.05.1979. However, the petitioner has not produced any document to substantiate that his father entered into lease agreement with the said Raju Mudaliyar.

6.When Raju Mudaliyar or his legal heirs has not questioned the document registered in the year 1979, in favour of the fifth respondent, the petitioner has made representation seeking to cancel the document before the official respondents is un-sustainable one.

7.Further, the petitioner claims that civil suits are pending before the competent civil Court, whileso, the petitioner, claiming to be a lessee, without having any title, has made representation seeking to cancel the document in favour of the fifth respondent



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before the official respondents is un-sustainable one.

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8.In view of the above, this writ petition is dismissed with costs of Rs.2,000/- (Rupees Two Thousand Only), payable by the petitioner, to the Legal Services Authority, within a period of two weeks from the date of receipt of a copy of this order.

14.11.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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