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W.P.No.30847 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.11.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

W.P.No.30847 of 2022

T.Ranjithammal

...Petitioner

Versus

- 1.The Inspector General of Registration,
Santhome, Chennai – 600 028.
- 2.The District Registrar,
Chennai North, Kuralagam, 1st Floor,
Chennai – 600 108.
- 3.The Sub Registrar,
Madhavaram,
873, First Street, Roja Nagar,
Madhavaram, Chennai – 600 060.
- 4.The Sub Registrar,
Ambattur,
Corporation Thirumana Koodam,
1st Floor, 1st Gopalaswamy Street,
Ambattur, Chennai – 600 053.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of mandamus directing the second respondent
to consider the petitioner's representation dated 14.09.2022 to conduct



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enquiry and to cancel the forged and fabricated documents within a time frame fixed by this Court.

WEB COPY For Petitioner : Mr.K.Balasubramaniam
For Respondents : Mr.G.Krishnaraja,
Additional Government Pleader

ORDER

Mr.G.Krishnaraja, learned Additional Government Pleader takes notice for the respondents. With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The relief sought by the petitioner in this writ petition is to direct the second respondent to consider her representation dated 14.09.2022, seeking to conduct enquiry and to cancel the forged and fabricated documents, within a time frame fixed by this Court.

3. The case of the petitioner is that she and her two co-sisters purchased an agricultural land measuring to an extent of 20 Acres and 15 cents situated at Madhavaram Village from one Mr.Ponnuranga Naicker vide Sale Deed dated 12.12.1958 which was registered as Document



No.3306 of 1958 on the file of Sub Registrar, Sembiam. Thereafter, the petitioner's two co-sisters vide Release Deed dated 13.03.1963, released their share in favour of petitioner. The said Release Deed was registered as Document No.972 of 1963 on the file of Sub Registrar Office, Sembiam. By virtue of said Release Deed, petitioner became an absolute owner of the agricultural lands comprised in S.Nos.1304, 1305, 1352/1, 1355 & 1356 measuring to the total extent of 20 Acres and 15 cents situated at Madhavaram Village, Tiruvallur District.

3.1. Out of the aforesaid agricultural lands, an extent of 3.5 Acres was acquired for road. The petitioner settled an extent of 12 Acres and 89 cents in favour her sons and daughters vide Settlement Deed which was registered as Document No.4700 of 2017 and the remaining land was retained by her.

3.2. While so, petitioner came to know that an extent of 82 cents of land in S.Nos.1355 & 1356 was illegally encroached. When her sons enquired in this regard, it was found that a forged and fabricated document has been created as if the petitioner had sold 82 cents of land in S.No.1355



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to one Sampath vide Sale Deed allegedly registered as Document No.4162 of 1982 on the file of fourth respondent. On the strength of said forged sale deed, the legal heirs of said Sampath viz., Shanthi, Malini and Senthilvelan had executed Power of Attorney dated 30.04.2019 in favour of one Baskaran and Muppidathimuthu which was registered as Document No.2712 of 2019 on the file of third respondent. Further, based on the said Power of Attorney, an Agreement of Sale dated 22.07.2019 has been created in favour of one G.Ramesh which was registered as Document No.4779 of 2019 on the file of third respondent. Thereafter, on 26.06.2020, the said Sale Agreement has been cancelled vide registered Document No.2579 of 2020 on the file of third respondent and a Sale Deed dated 22.06.2020 has been executed in favour of said G.Ramesh and one Mohammed Faizur Rahman for an extent of 64 cents of petitioner's land.

3.3. Aggrieved over the above fraudulent acts, petitioner gave a police complaint against the aforesaid persons and her complaint was registered as FIR in Crime No.33 of 2022 on the file of Inspector of Police, Team XXV, Central Crime Branch, Vepery, Chennai and the investigation is going on.



3.4. The persons against whom the petitioner gave complaint have managed to scan and upload the forged and fabricated documents viz., Sale Deed dated 13.09.1982 in the website of Tamil Nadu Registration Department as Document No.4162 of 1982 on the file of fourth respondent. Those accused persons after obtaining Bail before the learned Judicial Magistrate, are attempting to further alienate the property of petitioner. Hence, the petitioner gave a representation dated 14.09.2022 to the respondents and requested them to conduct enquiry and cancel the registration of forged and fabricated documents. Even after the receipt of her representation, the respondents have not yet taken any action in this regard. Hence, the aggrieved petitioner has filed the present writ petition before this Court.

4. The learned counsel for the petitioner submitted that the aforesaid accused persons have created forged and fabricated documents and they are attempting to grab the petitioner's lands. Therefore, the learned counsel prayed this Court to issue direction to the respondents to consider the petitioner's representation and pass appropriate orders, on merits and in accordance with law, within a time frame as stipulated by this Court.



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5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. According to the petitioner, one Sampath created a forged document as if the petitioner sold her 82 cents of land in S.No.1355 to him and executed a Sale Deed in his favour in the year 1982 and on the strength of said alleged Sale Deed, the legal heirs of said Sampath had executed Power of Attorney dated 30.04.2019 in favour of one Baskaran & Muppudathi Muthu and Sale Deed 26.06.2020 in favour of one G.Ramesh & Mohammed Faizur Rahman. The said persons are attempting to grab the petitioner's lands by way of aforesaid forged and fabricated documents. Hence, the aggrieved petitioner gave a representation dated 14.09.2022 to the respondents to conduct enquiry and cancel the registration of aforesaid forged documents. However, her representation was not considered by the respondents. Hence, this writ petition.

7. In the present case, though the said Sampath had executed the alleged Sale Deed in the year 1982, so far, the petitioner did not take any



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steps to cancel the said Sale Deed either by approaching the Authorities or by filing a suit before competent Civil Court. Now, after a lapse of four decades, petitioner gave a police complaint against the accused persons and also, made representation before the respondents, seeking to conduct enquiry and cancel the registration of aforesaid documents.

8. So far as the issue involved in the present case is concerned, the petitioner ought to have approached the competent Civil Court for remedy, but, without doing so, she has knocked the doors of this Court with the present writ petition.

9. For the foregoing reason, this Court cannot entertain this writ petition. Hence, this writ petition is dismissed, however, liberty is granted to the petitioner to work out her remedy before the competent Civil Court, if so advised. No costs.

21.11.2022

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Index : Yes/No

Speaking Order (or) Non-Speaking Order



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M.DHANDAPANI, J.

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