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W.P.No.33397 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.33397 of 2022

1.R.Subramaian

2.R.Vimala Rani

.... Petitioners

-Vs-

1.The Inspector General of Registration
No.100, Santhome High Road
Chennai – 600 028.

2.The District Registrar – Chengalpattu
No.10, Kancheepuram Main Road
Chengalpattu – 603 002.

3.The Inspector of Police
District Crime Branch
Kancheepuram District.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to consider and pass appropriate orders against the representations dated 11.07.2012 and 29.04.2022 of the petitioners, relating to the cancellation of registration of fraudulent settlement deeds dated 17.02.2012 registered as Document Nos.1485 and 1486 of 2012 in the in the office of the Sub-Registrar Joint II Chengalpattu in accordance with the Tamil Nadu Act 41 of 022 and circulars issued by the 1st respondent within a time frame fixed by this Hon'ble Court.



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For Petitioner : Mr.P.S.Prabu

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 2nd respondent to consider and pass appropriate orders against the representations dated 11.07.2012 and 29.04.2022 of the petitioners, relating to the cancellation of registration of fraudulent settlement deeds dated 17.02.2012 registered as Document Nos.1485 and 1486 of 2012 in the office of the Sub-Registrar Joint II Chengalpattu in accordance with the Tamil Nadu Act 41 of 2022 and circulars issued by the 1st respondent within a time frame fixed by this Court.

2. In respect of Document Nos.1485 and 1486 of 2012, the petitioner has given a complaint earlier in the year 2012 and now on 29.04.2022 to cancel such documents, as according to the petitioner those documents are fraudulent and bogus documents.

3. In this regard, Mr.Prabu learned counsel for the petitioner would submit that immediately after the fraudulent documents were registered by the registering authority, after coming to know that it was registered in the year 2012 itself, complaint has been given to the registering authority as well as



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concerned police. The police, after having investigated the matter, arrested the third parties who have been instrumental for such fraudulent transaction and after investigation, charge sheet has also been filed before the criminal court, where the case is still pending.

4. It is the further case of the petitioner that, since Act 41 of 2022 came into effect in the year 2022, once again a representation has been given by the petitioner on 24.09.2022 and therefore the complaint shall be treated within the meaning of Section 77A of the Act and accordingly the District Registrar / 2nd respondent has to enquire the same and decide the matter on merits and in accordance with law within a time frame that may be stipulated by this Court.

5. Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents, on instructions would submit that, the representation given by the petitioner on 29.04.2022 would be treated as a complaint within the meaning of Section 77A of the Act and accordingly it would be duly enquired into and decided within a time frame that may be stipulated by this Court.

6. Having regard to the submissions made by the learned counsel on either side, especially the learned Special Government Pleader, this Court is



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inclined to dispose of this writ petition with the following order.

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“That there shall be a direction to the 2nd respondent to enquire the complaint given by the petitioner dated 29.04.2022 pertaining to the two documents of the year 2012 and pass orders on the said complaint after giving an opportunity of being heard to the petitioner as well as the persons against whom such a complaint was given by the petitioner, on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.”

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

12.12.2022

Index : Yes/No
Internet : Yes/No
KST

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To

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R. SURESH KUMAR, J.

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