



W.P.No.2478 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 01.02.2023**

**CORAM :**

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

**Writ Petition No.2478 of 2023**

K.Jeyaram

.... Petitioner

-Vs-

1.The District Registrar  
Chennai Registration District (South)  
Chennai – 600 015.

2.The Sub Registrar  
Velachery SRO  
Chennai District.

3.Kumar

4.Krishnajayanthi

5.M/s.Stalwart International Trading Pvt Ltd.,  
Represented by Mr.Kumar  
City Tower, Basement,  
117, Sir Thiyagaraya Road  
T.Nagar, Chennai 600 017.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1<sup>st</sup> respondent to cancel the sale deed dated 27.08.2013 registered as Document No.4948/2013 on the file of Velachery SRO, Chennai based on the representation of the petitioner dated 17.10.2022 within a stipulated time that may be fixed by this Hon'ble Court.



W.P.No.2478 of 2023

For Petitioner : Mr.K.Premkumar  
For Respondents : Mr.R.P.Muruganraja  
Government Advocate

### **ORDER**

The prayer sought for herein is for a Writ of Mandamus directing the 1<sup>st</sup> respondent to cancel the sale deed dated 27.08.2013 registered as Document No.4948/2013 on the file of Velachery SRO, Chennai based on the representation of the petitioner dated 17.10.2022 within a stipulated time that may be fixed by this Court.

2. In respect of a sale deed dated 27.08.2013 registered as Document No.4948/2013 on the file of the Velachery SRO, Chennai, the petitioner had given a complaint-cum-representation dated 17.10.2022 to the 1<sup>st</sup> respondent District Registrar to conduct an enquiry under Section 77-A of the Registration Act to declare the said document as fraudulent document and ultimately cancel the same. In order to consider the said representation and to conduct an enquiry and to pass orders, the petitioner has moved the present writ petition.

3. Reiterating the aforesaid, the learned counsel for the petitioner would submit that, the petitioner is the absolute owner of the property in question and



W.P.No.2478 of 2023

in respect of some legal issue, when he approached the 3<sup>rd</sup> respondent who is a practicing lawyer, the 3<sup>rd</sup> respondent seems to have obtained a general power of attorney from the petitioner which has been executed by the petitioner. By misusing the general power of attorney executed by the petitioner, the 3<sup>rd</sup> respondent seems to have sold 50% of the property to a third party and remaining 50% has been mortgaged for a huge sum. This has been brought to the notice of the petitioner only later on. Thereafter, the petitioner had given a police complaint against the 3<sup>rd</sup> respondent and other respondents and the said complaint having been investigated, the accused were apprehended and they have been enlarged on bail. Now charge sheet also has been filed before the concerned Court and it is ripe for trial, learned counsel contended.

4. Apparently, the petitioner has moved the present complaint/representation on 17.10.2022 before the District Registrar to enquire the matter and to declare the document in question as fraudulent document and to cancel the same. Therefore, with the aforesaid prayer the petitioner has moved the present writ petition.

5. On the other hand, Mr.P.Sathish learned Additional Government Pleader appearing for the respondents 1 and 2 on the basis of the written representation given by the first respondent dated 01.02.2023 has submitted that, on receipt of



W.P.No.2478 of 2023

the representation of the petitioner dated 17.10.2022, a communication has been sent to him on 06.12.2022 requiring him to produce the necessary supporting documents in support of the complaint or representation given by the petitioner to proceed further in the matter. However, the same has not been responded by the petitioner. However, learned counsel for the petitioner would submit that, the said communication dated 06.12.2022 according to the petitioner, has not been received by him.

6. A copy of the communication dated 06.12.2022 issued by the 1<sup>st</sup> respondent to the petitioner requiring the documents to be produced now has been handed over to the learned counsel for the petitioner and on receipt of the same, the learned counsel for the petitioner would submit that, pursuant to the said communication, necessary documents available with the petitioner would be produced before the 1<sup>st</sup> respondent and based on which, after giving an opportunity of being heard to the petitioner after enquiring with the private respondents, let the 1<sup>st</sup> respondent pass an order to that effect on the said representation of the petitioner within a time frame that may be stipulated by this Court.

7. In view of the orders that is going to be passed in this writ petition, notice to the private respondents is hereby dispensed with.



W.P.No.2478 of 2023

WEB COPY

10. Having regard to the submissions made by the learned counsel for both sides, this Court is inclined to dispose of this writ petition with the following orders.

- That there shall be a direction to the petitioner to respond to the communication of the 1<sup>st</sup> respondent dated 06.12.2022 to produce necessary documents in support his case.
- On receipt of such documents with any other input to be supplied by the petitioner, the 1<sup>st</sup> respondent shall issue summons to the private respondents herein and after enquiring them and also giving an opportunity of being heard to the petitioner, the 1<sup>st</sup> respondent shall complete the enquiry and pass orders on the plea of the petitioner raised through his representation referred to above, within a period of eight weeks from the date of receipt of a copy of this order.

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

**01.02.2023**

Index : Yes/No  
Neutral Citation : Yes/No  
Speaking Order / Non-speaking order  
KST

**Note : Issue order copy on 07.02.2023**



WEB COPY

To

- 1.The District Registrar  
Chennai Registration District (South)  
Chennai – 600 015.
- 2.The Sub Registrar  
Velachery SRO  
Chennai District.



W.P.No.2478 of 2023

**R. SURESH KUMAR, J.**

KST

**W.P.No. 2478 of 2023**

**01.02.2023**