



WEB COPY

W.P.No.2734 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2734 of 2023
and
W.M.P.No.2844 of 2023

Mr.S.Sampath

... Petitioner

Vs.

1.The Sub-Registrar,
Office of the Sub-Registrar,
Selaiyur,
Chennai – 600 073.

2.A.Sheik Uduman

3.H.Balaji

4.Ms.R.Santhakumarai RamDoss

5.The Sub-Registrar,
Office of the Sub-Registrar,
Kadaiyanallur,
Tirunelveli District.

... Respondents



WEB COPY

W.P.No.2734 of 2



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent not to register any Document or Deed connected with the properties situated in Perumbakkam Village, Tambaram Taluk, Chengalpattu District, comprised in Survey No.14/3 measuring to an extent of 1.31 acres and also in Survey No.457 measuring to an extent of 4.72 acres, within the Registration jurisdiction of the 1st respondent.

For Petitioner	: Mr.S.Arokiamaniraj
For R1 & R5	: Mr.T.Arun Kumar, Additional Government Pleader
For R2	: No appearance
For R3 & R4	: Not ready in notice

ORDER

The relief sought for in the present Writ Petition is to direct the 1st respondent not to register any Document or Deed connected with the properties situated in Perumbakkam Village, Tambaram Taluk, Chengalpattu District, comprised in Survey No.14/3 measuring to an extent of 1.31 acres and also in Survey No.457 measuring to an extent of 4.72 acres, within the Registration jurisdiction of the 1st respondent.



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2. It is brought to the notice of this Court that the 4th respondent has earlier filed a Writ Petition for registering the documents in respect of the very same property. The writ petitioner has come out with the present Writ Petition on the ground that he is the owner of the property and fraudulent documents have been executed from the year 1973 onwards.

3. The learned counsel for the writ petitioner mainly contended that a systematic fraud has been committed in respect of the transfer of the subject property belonging to the writ petitioner and he has given a complaint before the police, which is yet to be registered.

4. The Inspector of Police, D-17 Perumbakkam, conducted an enquiry and found that there are no sufficient documents to register a Criminal Case by the Police. However, the learned counsel for the petitioner disputed the said contention by stating that the registered document of the year 1973 itself is a fraudulent registration.



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5. May that as it be. This Court cannot conduct a roving enquiry in respect of the allegations of fraud relating to the registration of documents.

If at all the petitioner is aggrieved, he is at liberty to approach the Criminal Court of law by registering a private complaint along with the documents or the competent Civil Court of law to establish that the civil rights, as the case may be. It is left open to the petitioner to initiate all appropriate actions to establish his rights in the manner known to law.

6. With these observations, the Writ Petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

13.09.2023

skr
Index : Yes
Speaking order



W.P.No.2734 of 2

To

1.The Sub-Registrar,
Office of the Sub-Registrar,
Selaiyur,
Chennai – 600 073.

2.The Sub-Registrar,
Office of the Sub-Registrar,
Kadaiyanallur,
Tirunelveli District.



WEB COPY

W.P.No.2734 of 2



S.M.SUBRAMANIAM, J.

skr

W.P.No.2734 of 2023

13.09.2023