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W.P.No.3937 of 2023

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

**DATED :10.02.2023**

**CORAM :**

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

**Writ Petition No.3937 of 2023**

P.Ravi

... Petitioner

-Vs-

1. The Inspector General of Registration,  
100, Santhome Road,  
Chennai – 600 028.
2. The District Registrar,  
Office of the District Registrar – Salem West,  
Collectorate, Salem District – 636 001.
3. The Sub-Registrar,  
Office of the Suramangalam Sub-Registrar,  
Suramangalam, Salem West,  
Salem District – 636 005.
4. Mr.R.Rajesh
5. Mr.H.Lachhman
6. Mr.Ajay L Rajpal

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner representation dated 10.05.2022 for cancel the Document No.6307 of 2014 dated 05.11.2014 on the file of the third respondent in the light of the Circular dated 27.09.2022 in



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Letter No.33760/U1/2022 issued by the first respondent and to pass appropriate orders within a time frame.

For Petitioner : Mr.D.Sreenivasan  
For Respondent : Mrs.Akila Rajendran  
Government Advocate [R1 to R3]

### **ORDER**

The prayer sought for herein is for a writ of mandamus directing the second respondent to consider the petitioner representation dated 10.05.2022 for cancel the Document No.6307 of 2014 dated 05.11.2014 on the file of the third respondent in the light of the Circular dated 27.09.2022 in Letter No.33760/U1/2022 issued by the first respondent and to pass appropriate orders within a time frame.

2. The petitioner purchased a property at Ward -C, Block -2 at T.S.No.2/8A5 on 31.03.2022 from one Rajesh i.e., fourth respondent by way of proper sale deed, which was duly registered by the Sub-Registrar, Suramangalam i.e., third respondent.

3. However, the said Rajesh in the year 2014 i.e., on 03.11.2014



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had executed a power in favour of the fifth respondent viz., H.Lachhman, who in turn created a sale agreement with his son one Ajay L Rajpal, who is the sixth respondent herein, on 05.11.2017 and that was also registered at the third respondent Officer as document No.6307/2014.

4. Thereafter before purchasing the property in question, the fourth respondent being the original owner of the property by filing a writ petition in W.P.No.4428 of 2022 seeking a direction by way of mandamus to encumber the property in question unmindful of the subsequent registered sale agreement created by the fifth respondent in favour of the sixth respondent and that writ petition was also ordered by this Court and pursuant to the said order only, the fourth respondent Rajesh, who is the original owner of the property executed the sale deed in favour of the petitioner in respect of the property in question on 31.03.2022 that is how the petitioner purchased the property and has become the owner of the property.

5. However, the document No.6307/2014 i.e., sale agreement



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created by the fifth respondent in favour of the sixth respondent still shows as encumbrance in the concerned Register office, therefore, in order to remove the said encumbrance, the petitioner has given a representation on 10.05.2022 and to consider the same to do the needful, the petitioner has moved the present writ petition with the aforesaid prayer.

6. Reiterating the aforesaid Mr.D.Sreenivasan, learned counsel appearing for the petitioner made submissions and therefore, he seeks indulgence of this Court.

7. Heard Mrs.Akila Rajendran, learned Government Advocate appearing for the respondents 1 to 3 and in view of the order going to be passed in this writ petition notice to the private respondents is hereby dispensed with.

8. Learned Government Advocate appearing for the respondents 1 to 3 would submit that, since the sale itself dated 31.03.2022 registered between the fourth respondent and the petitioner is pursuant to the order



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passed by this Court in the earlier round of litigation in W.P.No.4428 of 2022, therefore, if at all any earlier encumbrance is created fraudulently by the fifth respondent in favour of the sixth respondent without the concurrence of the original owner of the property i.e., fourth respondent, the same shall be looked into and in this regard, the representation given by the petitioner dated 10.05.2022 would be considered and necessary needful action would be undertaken by the second respondent of-course after giving an opportunity of being heard to both the petitioner as well as the private respondents in this regard within a time frame that may be stipulated by this Court.

9. Considering the said submission made by the learned counsel appearing for both sides especially the stand taken by the learned Government Advocate appearing for the official respondents, this Court is inclined to dispose of this writ petition with the following order:

That there shall be a direction to the second respondent to consider the representation given by the petitioner dated 10.05.2022 and after enquiring the same by giving an opportunity of being heard to both the petitioner as well as the



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private respondents, suitable orders should be passed by taking into account the factual circumstances of the case and accordingly necessary direction shall be given to the third respondent, if the said document viz., 6307/14 is declared to be fraudulent document, to cancel at the hands of the third respondent within a period of eight(8) weeks from the date of receipt of a copy of this order.

With this direction, this writ petition is disposed of. No costs.

**10.02.2023**

Index : Yes/No  
Speaking order: Yes/No  
Neutral Citation: Yes/No  
mp

**Note:** *Issue order copy on 15.02.2023*



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To

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**R. SURESH KUMAR, J.**

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