



WEB COPY

W.P.No.19869 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19869 of 2023

and

W.M.P.No.19214 of 2023

Ellamma

... Petitioner

Vs.

- 1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
Kumaragiri Bye-Pass Road,
Ammamet,
Salem – 636 014.
- 3.The District Registrar,
Krishnagiri District,
Krishnagiri – 635 001.
- 4.The Sub-Registrar,
Hosur Taluk,
Krishnagiri District – 636 109.
- 5.Manikantan
- 6.L.Narayana Reddy



7.The Commissioner,
Hosur Municipal Corporation,
Hosur Taluk,
Krishnagiri District.

8.Muni Reddy

9.V.Perumal

10.T.V.Krishnakumar

11.K.Rajasekar

12.Prabhu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to enquire and cancel the fraudulent sale deed dated 07.11.1989 in Doc. No.5776 of 1989 and the subsequent Sale Deed dated 22.01.2007 in Doc. No.1094/2007 and the gift deed dated 20.09.2021 in Doc. No.15282/2021 and the Sale Deed dated 17.06.2022 in Doc. No. 11426 / 2022 and the sale deeds dated 25.06.2022 in Doc. No.12140 and 12141/2022 on the file of the 4th respondent in respect of the property at S.No.418/1D, measuring an extent of 0.60.5 Hectare situated at Mookandapalli Village, Hosur Taluk, Krishnagiri District and remove the above mentioned entries from the Encumbrance Certificate by considering the Petitioners representation dated 24.03.2023.

For Petitioner

: Ms.Rakhi

For R1 to R4

: Mr.G.Krishna Raja
Additional Government Pleader



ORDER

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The relief sought for in the present writ petition is to direct the 3rd respondent to enquire and cancel the fraudulent sale deed dated 07.11.1989 in Doc. No.5776 of 1989 and the subsequent Sale Deed dated 22.01.2007 in Doc. No.1094/2007 and the gift deed dated 20.09.2021 in Doc. No.15282/2021 and the Sale Deed dated 17.06.2022 in Doc. No. 11426 / 2022 and the sale deeds dated 25.06.2022 in Doc. No.12140 and 12141/2022 on the file of the 4th respondent in respect of the property at S.No.418/1D, measuring an extent of 0.60.5 Hectare situated at Mookandapalli Village, Hosur Taluk, Krishnagiri District and remove the above mentioned entries from the Encumbrance Certificate by considering the Petitioners representation dated 24.03.2023.

2. The issues raised in the present writ petition were adjudicated by this Court in a batch of writ petitions in ***W.P.No.4192 of 2018 [A.Selvam vs. The Sub Registrar, Dadagapatti, Salem District] etc., and batch***, and a judgment was delivered on 15.06.2023 and the relevant paragraphs of the judgment are extracted hereunder:

*“33. In view of the facts and circumstances,
the following orders are passed:*



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- (1) In respect of the complaints pending before the District Registrars concerned and the appeals pending before the respective Appellate Authorities, the Inspector General of Registration shall direct all the authorities to follow Circular No.1/2023 dated 10.06.2023 strictly for the purpose of disposal of the complaints and the appeals in a consistent manner;*
- (2) The Inspector General of Registration is directed to incorporate the further clarifications as stated in this order and issue a fresh Circular within a period of two weeks from the date of receipt of a copy of this order;*
- (3) The respondents are directed to relegate the parties to approach Civil Court of Law, in the event of disputed facts regarding civil rights exist between the parties.*
- (4) In the event of violation of the guidelines issued by the Inspector General of Registration or the directions issued by this Court or any other lapses, negligence*



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or dereliction of duty is found while performing the duties by the authorities, departmental disciplinary proceedings are to be initiated under the relevant Service Rules.

(5) The Inspector General of Registration is directed to conduct periodical Reviews as warranted under the Rules of Public Administration.”

3. In view of the fact that the case of the petitioner is also similar to that of the cases (cited *supra*), the case of the petitioner is also to be considered on the same line.

4. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

06.07.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

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