



W.P.No.28967 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.28967 of 2023
and
W.M.P.No.28545 of 2023

P.Annadurai
S/o.Perumal

... Petitioner

versus

1. The Inspector General of Registration
No.100, Santhome High Road
Mandavelipakkam, Raja Annamalai Puram
Chennai-600 028.
2. The District Registrar - Chengalpattu
No.10, Kancheepuram Main Road
Chengalpattu - 603 002.
3. The Sub-Registrar - Thiruporur
No.29, South Mada Street, Thiruporur
Chengalpattu District - 603 110.
4. M/s.Hindustan Institute of Technology & Science
Rep. by its Treasurer Mr.Ashok Verghese
Reg. Office : No.40, GST Road
St.Thomas Mount, Chennai-600 016.



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5. T.Jeyapoovan
S/o.S.Thangasamy Nadar

6. Anna University Staff Co-operative
House Building Society Limited Society
(Since liquidated vide proceedings order of the
Deputy Registrar of Housing, Chennai made in
Rc.No.2160/2009/C dated 17.05.2010)
Rep. by the Co-operative Sub-Registrar / Liquidator
having office at No.72, Thyagaraya Nagar,
Chennai-600 017.

7. M/s.Cornerstone Foundations Pvt. Ltd.,
Rep. by its Managing Director
Regd. Office : No.210/911-A, Velachery Road
Selaiyur, Chennai-600 073.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue
a Writ of Mandamus, to direct the respondents 1 to 3 to refrain from
registering any document before the 3rd respondent involving transfer of
property rights pertaining to late Thiru.Asalan Nagappan's properties
comprised in Survey Nos.293/1, 297/2, 348/1, 417, 425/1 and 425/2 of
Padur Village.

For Petitioner	:	Mr.T.K.S.Gandhi
For Respondents	:	Mr.Yogesh Kannadasan Special Government Pleader for R1 to R3



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ORDER

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Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice for respondents 1 to 3.

2. This writ petition has been filed seeking for a mandamus to direct the respondents 1 to 3 to refrain from registering any document before the 3rd respondent involving transfer of property rights pertaining to late Thiru.Asalan Nagappan's properties comprised in Survey Nos.293/1, 297/2, 348/1, 417, 425/1 and 425/2 of Padur Village.

3. The case of the petitioner is that he is one of the grandsons of Late Thiru.Asalan Nagappan. In the year 1959, the petitioner's grandfather Thiru.Asalan Nagappan had purchased 4.51 acres at Padur Village comprised in Survey Nos.293/1 (49 cents), 297/2 (32 cents), 348/1 (92 cents), 417 (1.82 acres), 425/1 (40 cents) and 425/2 (56 cents) vide Document Nos.572 and 643 of 1959 dated 07.05.1959. The petitioner's grandfather had settled in Malaysia with his family. The aforementioned properties were being looked after by the petitioner grandmother's brothers



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namely, (1) Ponnambalam (2) Subramani and (3) Arumugam, who were residents of Padur Village. The petitioner's grandfather passed away on 25.06.1974 leaving behind three sons and four daughters as his legalheirs. After the demise of petitioner's grandfather, his legalheirs at Malaysia still continue to believe that relatives at Padur were taking good care of the properties at Padur. However, recently some persons were trying to raise a compound wall in one part of the properties. Immediately, a complaint was given before Kelambakkam Police Station. The petitioner also sent online complaint to the Police Department. Upon checking the Encumbrance Certificate, it is seen that several fraudulent documents have been created in the aforementioned properties since 1986. Thereafter, the petitioner came to Chennai, gave a complaint before the respondents 1 to 3 to enquire about the fraudulent documents and left for Malaysia. Meanwhile, some persons were hurriedly trying to encumber the properties by executing sale deeds. Since the petitioner is in Malaysia, he is unable to follow up the matters. Hence, the petitioner has filed the present writ petition seeking to direct the respondents 1 to 3 to refrain from registering any document before the 3rd respondent involving transfer of property rights pertaining to late



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Thiru.Asalan Nagappan's properties comprised in Survey Nos.293/1, 297/2, 348/1, 417, 425/1 and 425/2 of Padur Village.

4. The petitioner himself stated in his affidavit that on verification, it came to light that since 1986 onwards several fraudulent documents have been created against the aforementioned properties and further stated that the petitioner is taking steps to file a civil suit.

5. Learned counsel for petitioner submitted that in this regard, relative of the petitioner gave a complaint dated 24.03.2023 to respondents 1 to 3 and the first respondent advised him to approach the District Registrar, Chengalpattu, who is second respondent herein to conduct necessary enquiry and to take appropriate action in the matter. Accordingly, the petitioner approached the second respondent, who in turn sought for copies of all the registered documents in order to conduct enquiry. Meanwhile, the petitioner gave a complaint to the third respondent requesting him to not to entertain any registration pertaining to the survey numbers belonging to the petitioner's grandfather.



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6. The dispute involved in this writ petition is regarding the title and possession of the subject property and therefore, it requires proper evidence. Considering the fact that a detailed enquiry is required to decide the title and possession of the aforementioned properties, which cannot be decided in the present writ petition, this Writ Petition is dismissed by granting liberty to the petitioner to work out his remedy before appropriate forum in the manner known to law. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

06.10.2023

Speaking/Non-speaking order

Index:Yes/No

Neutral Citation : Yes/No

mk

Pg.Nos.6/8



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To

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Pg.Nos.8/8