



W.P.No.33956 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.33956 of 2023

Grace Gnanambal

... Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai – 600 028.
2. The District Registrar,
Chennai South,
No.537, Fenpet,
Nandanam, Chennai – 600 035.
3. The Sub-Registrar,
O/o the Velacherry Sub-Registrar,
No.38, 3rd Main Road, Ram Nagar,
Velacherry, Chennai – 600 042.
4. M/s.Square Developers,
Rep.by its Partner Mr.A.Godwin Wilson,
S/o, D.Arul Muthiah
Office at Plot No.59/B, I Main Road,
Sadasivam Nagar,
Madipakkam,
Chennai – 600 091.



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5. R.Nirupama

6. Ashok Kumar Sharma

7. S.Senthilnathan

8. S.Priya

9. R.Gunasekaran

10.J.Saravanan

11. Minu Priya

12.Sumathy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to cancel the forged and fraudulent registration at Velacherry Sub Registrar office in Doc.Nos.5832/2014, 5833/2014 dated 28.08.2014 purchased by J.Saravanan, S/o, K.Jeyaraman, 2555/2018 dated 08.05.2018 purchased by Minu Priya, W/o,Gopinath, 4823/2018 dated 20.08.2018 purchased by Sumathy W/o, M.M.Saravanan, 5646/2013 dated 30.09.2013 purchased by Ashok Kumar Sharma, 6390/2013 dated 13.11.2013 purchased by S.Senthilnathan, S/o, Somasundaram, 3563/2014 & 3564/2014 dated 02.06.2014 purchased by S.Priya, W/o, R.Senthilkumar and 1896/2023 dated 10.03.2023 purchased by Mr.Gunasekaran from E.Ramakrishnan through his power agent Jamal Mohammed Ghouse based on the representation of the petitioner dated 04.10.2023.



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For Petitioner : Mr.D.Ashokkumar
For R1 to R3 : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents 1 to 3 to cancel the registration of Doc.Nos.5832/2014, 5833/2014 dated 28.08.2014 done at Velacherry Sub Registrar office, purchased by J.Saravanan, S/o, K.Jeyaraman, 2555/2018 dated 08.05.2018 purchased by Minu Priya, W/o,Gopinath, 4823/2018 dated 20.08.2018 purchased by Sumathy W/o, M.M.Saravanan, 5646/2013 dated 30.09.2013 purchased by Ashok Kumar Sharma, 6390/2013 dated 13.11.2013 purchased by S.Senthilnathan, S/o, Somasundaram, 3563/2014 & 3564/2014 dated 02.06.2014 purchased by S.Priya, W/o, R.Senthilkumar and 1896/2023 dated 10.03.2023 purchased by Mr.Gunasekaran from E.Ramakrishnan through his power agent Jamal Mohammed Ghouse based on the representation of the petitioner dated 04.10.2023.



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2. Learned counsel for the petitioner submitted that the petitioner had entered into a development agreement with the fourth respondent. The fourth respondent without following the agreement, made unauthorised construction. Though the petitioner has made several complaints, no action was taken by the official respondents. Thereafter the petitioner has filed the writ petition before this Court in W.P.No.33617 of 2019 and the same was disposed of with a direction to conduct enquiry. The respondents 5 to 12 knowing well that there is no plan approval and the construction is unauthorised, purchased the houses from the fourth respondent. The respondents 5 to 12 never obeyed the de-occupation notices issued by the Greater Chennai Corporation. As the documents registered are forged, the petitioner has filed the present writ petition seeking to conduct enquiry on the alleged registration and to make necessary action to cancel the forged documents.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents.



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4. Since there is no adverse order is passed against the private respondents, notice to the private respondents is dispensed with.

5. It is admitted by the petitioner that he entered into a development agreement with the fourth respondent. Since the fourth respondent deviated the plan, several writ petitions have been filed by the petitioner and by some purchasers. The fourth respondent has also approached the C.M.DA for ratification. In the earlier writ petition filed by the writ petitioner in W.P.No.33617 of 2019, this Court has given direction to the official respondents therein to conduct an enquiry and to pass orders. The private respondents also filed W.P.No.26986 of 2022 and this Court granted time to obtain the revised planning permission as per relevant statutory rules. The petitioner without adding necessary parties including CMDA has filed the writ petition. The petitioner himself stated that he executed an agreement for development with the fourth respondent. Till now, he has not cancelled the agreement. If there is any deviation, the petitioner could have cancelled the agreement and filed a civil suit. Without doing the same, the petitioner allowed the



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fourth respondent to construct the building, for the reasons best known to him. As the matter is pending before CMDA regarding ratification and that the present writ petition has been filed only against the registering authority to cancel the document, this Court is of the opinion that the petitioner has not approached this Court with clean hands.

6. In view of the above, the Writ Petition is dismissed. There shall be no order as to costs. However, the petitioner is at liberty to workout his remedy in the manner known to law before the appropriate authority.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

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P.VELMURUGAN, J.

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