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W.P.No.3787 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.3787 of 2019

Geetha Suresh

...Petitioner

-Vs-

1. The District Registrar,
District Registration Office,
Chengalpattu,
Kanchipuram District.
2. The Sub Registrar,
Office of Sub Registrar Office,
Sriperumpudur,
Kanchipuram District.
3. Maheswari

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus to direct the first respondent to conduct an enquiry to cancel the forged document which was registered by fraud in document No. 8230/2012 dated 05.09.2012 pending on the file of the second respondent pursuant to the petitioner representation dated 02.08.2018.

For Petitioner : Mr.R.Thirumoorthy



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For R1 & R2 : Mr.R.L.Karthika
Government Advocate

For R3 : Left

ORDER

This writ petition is filed seeking for issuance of Mandamus to direct the first respondent to conduct an enquiry to cancel the forged document which was registered by fraud in document No. 8230/2012 dated 05.09.2012 pending on the file of the second respondent pursuant to the petitioner representation dated 02.08.2018.

2. The case of the petitioner is as follows:-

2.1 On 08.02.2005, the petitioner purchased the property from one Padmavathy by paying valid sale consideration and same was registered before the second respondent vide Document No. 523/2005 dated 08.02.2005. After purchasing the said property, the petitioner is in lawful possession and enjoyment of the property without any one interference. When the petitioner went to second respondent to apply encumbrance certificate of the above said property, the petitioner surprised to know that there was a fraudulent transaction taken place whereby one Maheswari/third



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respondent obtained sale deed on 05.09.2012 through power of attorney holder namely Devaki. After enquiry, the petitioner came to understand that the said Devaki and her family have conspired and created forged document and impersonating the petitioner's photo in the name of Mary Juliet and thereby sold the property to the third respondent with oblique motive for illegal gain.

2.2 On 29.07.2013, the petitioner had lodged a complaint to the Superintendent of Police and requested the authorities to take action. Then FIR was registered in Crime No. 807 of 2013 for offences under Section 468, 471, 420 of IPC and thereafter investigation conducted and alteration report filed for the offences under Sections 419, 468, 471, 420, 120(b) of IPC against the accused.

2.3 On 02.08.2018, the petitioner have submitted representation along with necessary documents including FIR and requested the respondent to cancel the document which was registered on 05.09.2012 but no action has been taken. Aggrieved by the same, the petitioner has come forward with the present writ petition.



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3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the first respondent to consider the petitioner's representation dated 02.08.2018 and pass appropriate orders on merits within a particular time frame to be fixed by this Court.

4. The learned Government Advocate appearing for the first and second respondent has filed counter affidavit dated 08.01.2014 and the relevant paragraphs are extracted hereunder for better appreciation and understanding:-

“Petitioner representation will be disposed on the based on chronological order of the representation pending before the First Respondent and this Hon'ble Court issues directions to dispose of Representation of the people's with the Chronological order”

5. Heard both sides and perused the materials available on record.

6. In view of the above, the following order is passed by this Court:-

“The first respondent is directed to consider the representation of the petitioner dated 02.08.2018 after giving due notice to the parties, opportunity of personal hearing, on merits, in accordance with law and pass appropriate



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orders within a period of three months from the date of receipt of copy of this order.

7. With above said observations and directions, this writ petition is disposed of. No costs.

11.06.2024

nsI

Index: Yes/No

Speaking Order : Yes/No

Neutral case citation: Yes/No

To

1. The District Registrar,
District Registration Office,
Chengalpattu,
Kanchipuram District.
2. The Sub Registrar,
Office of Sub Registrar Office,
Sriperumpudur,
Kanchipuram District.

J.SATHYA NARAYANA PRASAD, J.



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