



W.P.No.12175 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.12175 of 2019

and

W.M.P.No.12448 of 2019

1.Chinnamoorthy Ammal (deceased)

2.Varalakshmi

3.Murugaiyan

4.Mangavaram

5.Vijayan

6.Sudha

(third to sixth petitioners impleaded
vide order dated 26.06.2024 in
W.M.P.No.21012 of 2023
in W.P.No.12175 of 2019)

... Petitioners

Vs.

1.The Inspector General of Registration,
Santhome High Road, Chennai.

2.The Deputy Inspector General of Registration,
Villupuram.



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3.The District Registrar,
Tindivanam.

4.The Sub Registrar,
Vanur, Villupuram District.

5.Dhandapani

6.Krishnan

7.Mahadevan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the first to fourth respondents to take action against the fifth to seventh respondents in accordance with Sections 81 to 83 of the Indian Registration Act and to cancel the false sale deed dated 14.11.2012 under Document No.5968/2012 on the file of the SRO, Vanur.

For Petitioners : Mr.N.Suresh

For Respondents :

For R1 to R4 : Mr.P.Anandakumar
Government Advocate

For R5 to R7 : No appearance



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ORDER

This Writ Petition has been filed seeking for issuance of a mandamus, to direct the first to fourth respondents to take action against the fifth to seventh respondents in accordance with Sections 81 to 83 of the Indian Registration Act, 1908 and to cancel the false Sale Deed dated 14.11.2012 under Document No.5968/2012 on the file of the SRO, Vanur, Villupuram District.

2. The case of the petitioners is that the first and second petitioners are the owners of the properties in Survey Nos.126/3A and 126/3B measuring about 3.94 Acres at Bommiyarpalayam Village, Vanur Taluk, Villupuram District. On 26.02.2001, the second petitioner's husband Rajamani purchased the above 3.94 Acres of land from one Dharmaraj, guardian (grandfather) of Felix Gabriel Marc under Document No.461/2001 registered in the Office of SRO, Vanur, Villupuram District. The said Rajamani has sold 1.97 Acres of land out of 3.94 Acres to the first petitioner on 31.01.2002 under Document No.206/2002 registered in the Office of the SRO, Vanur, Villupuram District. On 13.01.2005, the



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said Rajamani had executed a Settlement Deed to an extent of 1.97 Acres of land in favour of the second petitioner vide Document No.107/2005 registered in the Office of the SRO, Vanur, Villupuram District. Hence, the first and second petitioners became the owners of the property and they are in possession and enjoyment of the property.

3. The further case of the petitioners is that the fifth and sixth respondents have created false documents by making false statements in respect of Document No.5968/2012. The petitioners would further submit that the fifth and sixth respondents had misused the invalid Power Deed dated 10.06.1998. On the basis of false and invalid Power Deed dated 10.06.1998, the fifth and sixth respondents have created false Sale Deed on 14.11.2012, to the total extent of 3.94 Acres of land in favour of the seventh respondent. The Power Deed is in respect of four persons viz., Muthuvel, Dhandapani, Shankar and Krishnan, whereas the said Dhandapani and Krishnan the fifth and sixth respondents herein alone created the fraudulent Sale Deed in favour of the seventh respondent. The fourth respondent who registered the document ought to have verified



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under Section 32 of the Indian Registration Act, 1908, as to whether the persons executing the Sale Deed are representative or the assigns of such persons or the agent of such persons. On 13.02.2019, the first and second petitioners gave representations to the official respondents to cancel the fraudulent Sale Deed created by the fifth and sixth respondents. Till date, the respondents have not taken any action in this regard. Hence the Writ Petition.

4. Learned Government Advocate appearing for the first to fourth respondents submitted that due enquiry will be conducted under Sections 81 to 83 of the Indian Registration Act, 1908 and the time frame may be fixed by this Court.

5. In view of the above submission made by the learned Government Advocate appearing for the first to fourth respondents, the third respondent is directed to take action against the fifth to seventh respondents in accordance with Sections 81 to 83 of the Indian Registration Act, 1908 after giving notice to both parties, opportunity of personal hearing, to



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consider the documents submitted by both parties, on merits, in accordance with law and pass appropriate orders by following the above principles of natural justice, within a period of three months from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above observations and directions. No costs. Connected Writ Miscellaneous Petition is closed.

26.06.2024

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

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To

- 1.The Inspector General of Registration,
Santhome High Road, Chennai.
- 2.The Deputy Inspector General of Registration,
Villupuram.
- 3.The District Registrar,
Tindivanam.
- 4.The Sub Registrar,
Vanur, Villupuram District.



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