



W.P.No.13955 of 2014

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 22.07.2024

CORAM :

**THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

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and

M.P.Nos.1, 2 of 2014

Tamil Nadu Government Servants Co-operative  
Building Society Limited,  
Represented by its President N.S.Kannan,  
Office of the Commissioner of Fisheries,  
2<sup>nd</sup> Floor, Teynampet,  
Chennai – 600 006.

... Petitioner

Vs.

1.The Inspector General of Registration,  
No.100, Santhome,  
Pattinapakkam, Chennai – 600 028.

2.The District Registrar (Administration),  
Chennai Central,  
No.182, Bharathi Salai,  
Pycrafts Road,  
Royapettah, Chennai – 600 014.

3.Mr.Senathipathy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for  
issuance of a Writ of Certiorari, to call for the records of the first respondent



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culminating in passing the impugned Circular bearing No.67 dated 03.11.2011

and quash the order based on the same insofar as the petitioner is concerned.

For Petitioner : Mr.A.Velmurugan

For Respondents :

For R1 and R2 : Mr.P.Anandakumar  
Government Advocate

For R3 : No appearance

### **ORDER**

This Writ Petition has been filed seeking for issuance of a certiorari, to call for the records of the first respondent culminating in passing the impugned Circular bearing No.67 dated 03.11.2011 and quash the order based on the same insofar as the petitioner is concerned.

2. The brief facts of the case are as follows:-

2.1. The petitioner is the Society registered under the Societies Act with the Registration No.XNC747. The petitioner Society has purchased a total extent of 6.45 Acres of land and allotted to its members including to an extent of 2.82 ½ Acres in Survey Nos.36/5A, 36/5B, 36/2B, 35/2, 37/1, 37/3B, 37/1A, 38/3, 39/1A, 39/1B, 39/3, 39/5 and 36/7 in Perumbakkam Village,



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Kanchipuram District. The said land belonged to one K.Senathipathy and K.S.Ravichandran, who are brothers. By a registered Power of Attorney Deeds dated 05.06.1995, the said K.Senathipathy and K.S.Ravichandran appointed one of their close relative and business partner N.Balasubramaniam as their power agent to deal with their properties. The Power of Attorney Deeds were registered at the Sub Registrar Office, Chennai Central, Chennai as Doc.Nos.243/95 and 241/95 respectively.

2.2. The Power Agent N.Balasubramaniam sold the lands to the petitioner Society by way of two Sale Deeds dated 11.06.1996 and 13.02.1997 registered as Doc.Nos.5013/1997 and 4982/1997 at the Sub Registrar Office, Tambaram, Chennai. Since then the petitioner Society was in possession and enjoyment of the said property and obtained Patta bearing Patta No.433 issued by the Zonal Deputy Tahsildhar, Tambaram, Chennai, the Society had formed a layout after obtaining necessary permission and sold the land to various vendees. Thereafter, on 22.06.2007, the said K.S.Ravichandran lodged a criminal complaint to the Commissioner of Police, Chennai against the said Power Agent N.Balasubramaniam and one Mr.Alexander, who is the then President of the petitioner Society alleging that the said N.Balasubramaniam has



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forged the deeds and conspired with the said Alexander and sold the properties.

The main point urged in the complaint was Mr.K.Senathipathy, has settled down in Australia from 1990 onwards and he has not visited India during the time of Registration of the Power of Attorney Deeds. A criminal case in Crime No.411 of 2007 under Sections 419, 420, 465, 467, 468, 469 and 471 read with Section 120B was registered against the Power Agent.

2.3. On 16.07.2007, the said K.S.Ravichandran filed a suit in O.S.No.394 of 2007 on the file of the Principal District Court, Chengelpet for declaration of the Power of Attorney Deeds and subsequent Sale Deeds based on the Power of Attorney Deeds are null and void. Due to change in pecuniary jurisdiction, suit in O.S.No.394 of 2007 was transferred to the Subordinate Judge's Court, Tambaram, Chennai and renumbered as O.S.No.154 of 2010, which is pending. The said K.S.Ravichandran not only filed the suit on his behalf but also on behalf of his brother K.Senathipathy the second respondent herein. Thereafter, the second respondent has filed CrI.O.P.No.24784 of 2008 before this Court for a direction to investigate the case by some other agency. By order dated 12.01.2009, the said Criminal Original Petition was allowed/ordered.



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2.4. As per order dated 12.01.2009, the Assistant Commissioner of Police, Crime Branch conducted a thorough investigation and filed a final report stating that K.S.Ravichandran is a rank offender and is conspired with N.Balasubramaniam cheated the petitioner Society. A criminal case was foisted against the said N.Balasubramaniam in C.C.No.7858 of 2009, pending on the file of the XI Metropolitan Magistrate Court, Saidapet. In 2013, after the formation of Special Court for land grabbing cases, the above case has been transferred to II Metropolitan Magistrate Court, Periamet and renumbered as C.C.No.14 of 2013 and it is pending trial. The second respondent appeared to have sent notices to N.Balasubramaniam and Usha for hearing on 30.04.2012 and since they did not appear, based on the passport entries and the report of the Forensic Science Department, the second respondent has cancelled the Doc.Nos.241 and 243 of 1995 and also all other subsequent Sale Deeds executed based on Doc.Nos.241 and 243 of 1995 by his proceeding No.3171/A1/2012 dated 11.06.2012 and proceeding No.14704/A1/2011 dated 20.02.2012. The petitioner Society obtained the copy of the order from the second respondent in the last week of April 2014.



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2.5. The said K.S.Ravichandran and K.Senathipathy have not reported about the order passed by the Registration Department either in the suit or before this Court in Crl.O.P.No.28732 of 2010. The second respondent has passed the order bearing Proceedings No.14704/A1/2011 dated 20.02.2012 and Proceedings No.3171/A1/2012 dated 11.06.2012 purportedly under Circular No.67 dated 03.11.2011 issued by the fourth respondent. Hence, challenging the impugned Circular No.67 dated 03.11.2011 issued by the respondent, the petitioner has approached this Court by way of filing the present writ petition.

3. Learned counsel appearing for the petitioner submitted the copy of the recent Encumbrance Certificate dated 16.07.2024 issued by the Sub Registrar Office (Joint 1), Tambaram, Chennai. He further submitted that note in the remarks column in the Encumbrance Certificate, mentioned the Central Chennai District Registrar the second respondent Order No.3171/Aa/2012 dated 11.06.2012. According to which, the document registered by the petitioner is not a valid document. The said order was passed based on the Circular No.67 dated 03.11.2011.



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4. Learned counsel appearing for the petitioner further submitted that the above said Circular No.67 dated 03.11.2011 has been revoked vide Circular/Letter No.41530/U1/2017 dated 20.10.2017 issued by the Inspector General of Registration the first respondent herein and the same is referred as It.No.7 in the reference column by which, remark was entered in the Encumbrance Certificate.

5. Learned counsel appearing for the petitioner submitted that despite the above Circular No.67 has been revoked as early as 2017, still entry is subsisting in the recent Encumbrance Certificate 16.07.2024.

6. Learned Government Advocate appearing for the first and second respondents submitted that counter affidavit was filed by the second respondent. He further submitted that this Court may direct the second respondent to delete the entry made in the Encumbrance Certificate, which is not valid in view of the revocation of Circular No.67 dated 03.11.2011.



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7. In view of the above submission made by the learned counsel on either side, the second respondent is directed to delete the entry in the remarks column in the Encumbrance Certificate wherein, it is stated that the document registered by the petitioner is not the valid document. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

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

**22.07.2024**

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,  
No.100, Santhome,  
Pattinapakkam, Chennai – 600 028.

2.The District Registrar (Administration),  
Chennai Central,  
No.182, Bharathi Salai,  
Pycrafts Road,  
Royapettah, Chennai – 600 014.



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