



W.P.No.17969 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.17969 of 2024

and

W.M.P.No.19706 of 2024

K.Senthilnathan

... Petitioner

Vs.

1.The District Collector
Office Of The District Collector
Singaravelar Maaligai Rajaji Salai
Chennai 600 001

2.The District Revenue Officer
Office Of The District Collector
Singaravelar Maaligai, Rajaji Salai
Chennai 600 001

3.The Revenue Divisional Officer
5-73 SH 112 Gandhi Nagar.
Anna Nagar West Extension
Chennai 600 040

4.The Tahsildar
Madhuravoyal Taluk Nolambur,
Chenani 600 037

5.V.Seema

6.Hemaprabha Murugesan

...Respondents



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, Calling for the records of the 2nd respondent herein pertaining to the order dated 14.06.2024 in Proceedings No. J12 / 12046 / 2023 and quash the same as ultravires, arbitrary exercise of power against principles of natural justice.

For Petitioner : M/s.K.Kempraj

For Respondents : M/s.A.Selvendran, Special GP,
for R.1 to R4.

: Mr.E.Elumalai
for Mr.E.Balamurugan for R.5

: Not ready in notice - R.6.

ORDER

The above writ petition is filed for the following reliefs:

“ Calling for the records of the 2nd respondent herein pertaining to the order dated 14.06.2024 in Proceedings No. J12 / 12046 / 2023 and quash the same as ultravires, arbitrary exercise of power against principles of natural justice.”

2. It is the case of the petitioner that the 6th respondent had executed a registered General Power of Attorney on 13.01.2003 appointing



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one R.Paranthaman, as her power agent to deal with her property bearing Plot No.237, Door No.14, III Cross Street, Lakshmi Nagar Extension Porur Village, Maduravoyal Taluk, Tiruvallur District comprised in S.No.89/16 measuring an extent of 2400 Sq.ft. along with superstructure. The petitioner who was on a look out for a residential plot for constructing a dwelling house was introduced to the said Paranthaman who offered to sell the property to him. The said Paranthaman had produced all the original title deeds pertaining to the property and on due verification the petitioner had expressed his desire to purchase the said property and the sale consideration was fixed at a sum of Rs.12,50,000/-. Since the petitioner had a paucity of funds, he had applied for a housing loan from ICICI Bank and the original documents were also submitted before the bank for title scrutiny. After the sanction of the loan, the said Paranthaman, as the power agent of the 6th respondent conveyed the property to the petitioner under a registered sale deed dated 22.05.2003. The petitioner had also taken possession of the property and the revenue records had been mutated in his name.

3. Since the superstructure standing on the land was in a dilapidated state, the petitioner had decided to demolish the existing building and



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construct a new one. In furtherance of this intention, he had applied for demolition and reconstruction to the Greater Chennai Corporation on 27.09.2021 and a sanction for demolition was also granted to him. At this juncture, the 5th respondent living in the vicinity of the property lodged a criminal complaint with the SRMC Police Station, Porur claiming title over the property as the legal heir of her deceased mother. After receiving summons from the said Police Station, the petitioner appeared before the police officials and produced all the documents showing his possession and enjoyment of the property since the year 2003. Thereafter, the police officials advised the 5th respondent to seek proper remedy through the Court law and closed the complaint. However, instead of approaching the Civil Court, the 5th respondent took advantage of the newly inserted Section 77-A of the Registration Act and lodged a complaint before the District Registrar, Chennai-South alleging that the power of attorney executed in favour of the said Paranthaman and the sale deed executed in favour of the petitioner were forged documents and sought for the cancellation of the same.

4. Thereafter, the petitioner came to know that the 5th respondent's mother Jayashree had entered into a sale transaction with reference to the



very same property with the petitioner's vendor on 19.04.1993. As dispute arose over the registration of the property, the 5th respondent's mother had filed a petition before the District Registrar for registration of the property and an enquiry was conducted in which the petitioner's vendor had also participated. Ultimately, the District Registrar passed an order dated 13.03.2006 directing the Sub Registrar to register the sale deed. In between the enquiry from the year 1993 till the order of the District Registrar in the year 2006, the petitioner's vendor had suppressed the pendency of the dispute between herself and the 5th respondent's mother and had executed the power of attorney in favour of Paranthaman who in turn had executed a sale deed in the petitioner's favour. The petitioner would submit that even after the registration of the sale deed, neither the 5th respondent nor her mother had taken any steps to recover possession of the property from the petitioner.

5. The petitioner would submit that on the basis of the complaint given by the 5th respondent, the District Registrar, Chennai-South by an order dated 20.01.2023 had declared the power of attorney document and the sale deed executed in favour of the petitioner as a forged documents and directed the Sub Registrar, Virugambakkam not to entertain any



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documents on the basis of the documents declared as “forged” and to make necessary entries in the indexes of the relevant documents.

6. Since the District Registrar had by dealing with the complaint of the 5th respondent ventured into the jurisdiction of the Civil Court by testing title, the petitioner had filed an appeal before the Inspector General of Registration without filing a suit. However, without taking into account the true facts the Inspector General of Registration had dismissed the petitioner's appeal and confirmed the order of the District Registrar. Aggrieved by the said order the petitioner had filed W.P.No.36389 of 2023 to quash the order of the District Registrar as also the Inspector General of Registration as they had exercised their powers under Sections 77-A and 77-B of the Registration Act retrospectively by cancelling the documents which has been registered 20 years back. The petitioner had also filed a suit O.S.No.212 of 2023 on the file of the Additional District Judge, Poonamallee.

7. By an order dated 26.02.2024, W.P.No.36389 of 2023 was disposed of by observing that since the petitioner had moved the Civil Court he could work out his remedy in the Civil Court. However, when the



suit was pending, the 5th respondent had filed an application before the Revenue Divisional Officer, the 3rd respondent herein to cancel the patta no.6249 issued in favour of the petitioner by the Tahsildar Maduravoyal, Thiruvallur District. The 3rd respondent had rejected the said request by his order dated 09.08.2023. Aggrieved by this order, the 5th respondent had filed a Revision Petition before the District Revenue Officer, the 2nd respondent herein who had passed the impugned order totally overlooking the fact that the Civil Suit was pending. The 2nd respondent has now restored the patta in favour of the petitioner's vendor, the 6th respondent on the ground that the sale deed in favour of the petitioner has been cancelled by the District Registrar. Aggrieved by the same, the petitioner is before this Court.

8. Heard the counsels on either side.

9. On hearing the learned counsels appearing for the parties to the present proceedings, it is clear that the issue of title has to be set at rest. The petitioner has moved the Civil Court and the patta has now been restored only in the name of the petitioner's vendor. The petitioner is not going to be seriously prejudiced by this. In his impugned order, the 2nd



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respondent also has given necessary safeguards. However, on hearing the parties, the Writ Petition is disposed of with the following directions:-

(i) No further mutation of revenue records shall take place at the instance of either parties pending the disposal of the suit.

(ii) Both parties shall not take advantage of the order reverting the patta in the name of the 6th respondent.

(iii) The parties shall not deal with the property in any manner by alienating, encumbering, leasing or otherwise creating a charge over the property till the disposal of the suit.

10. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

14.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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