



W.P.No.18896 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.18896 of 2018

M.Saradha

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai – 600 028.

2.The Sub Registrar,
Avadi, Chennai – 600 054.

3.The District Registrar (Admin),
Office of the District Registrar,
Chennai South, Chennai – 600 015.

4.D.Palani Chettiar

5.Radhakrishnan

6.Venkateswar Rao

7.Krishna Kumar Nahar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the first respondent to consider and pass orders on the petitioner's representations dated 05.09.2016, 20.09.2017, 22.11.2017 addressed to the first respondent.

For Petitioner

: Mr.D.Senthur Kugan



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for Mr.D.Ravindranathan

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For Respondents
For R1 to R3

:
: Mr.P.Anandakumar
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a mandamus, to direct the first respondent to consider and pass orders on the petitioner's representations dated 05.09.2016, 20.09.2017, 22.11.2017 addressed to the first respondent.

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

2.1. The case of the petitioner is that the petitioner's husband late Murali purchased dry agricultural land measuring to an extent of 0.36 cents comprised in Survey No.20/2 situated at Korattur Village, Poonamallee Taluk, Tiruvallur District for a sale consideration of Rs.7,20,000/- and another piece of agricultural land measuring to an extent of 41 cents comprised in Survey No.22/5 situated at Korattur Village, Poonamallee Taluk, Tiruvallur District for a sale consideration of Rs.8,20,000/-. Both transactions were registered as Doc.Nos.2284/2006 and 2286/2006 respectively in the Sub-Registrar Office, Avadi. After purchase of the aforesaid property, the petitioner's husband applied for mutation of revenue records and the same was granted by the Zonal



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Deputy Tahsildar, Poonamallee Taluk, Tiruvallur District, in favour of the petitioner's husband as evidenced by Patta No.399. During the pendency of the application, the petitioner's husband passed away on 10.06.2015. After his death, being the legal heirs, the petitioner and her two sons are in peaceful possession and enjoyment of the property.

2.2. The fourth respondent in order to grab the property of the petitioner, created forged and fabricated documents in respect of the aforesaid property and registered the same as Doc.No.4521/2005 dated 10.08.2005. When it came to the knowledge of the petitioner's husband, he filed a suit in O.S.No.224 of 2010 on the file of the Additional District Munsif Court, Poonamallee. This Court by order dated 08.08.2012, passed order in favour of the petitioner's husband, against which, the fourth to seventh respondents herein have not preferred any appeal and hence, the order dated 08.08.2012 become final.

2.3. As the second respondent failed to cancel the forged and fabricated Doc.No.4521/2005, the petitioner herein addressed a letter/representation dated 17.06.2015 to the first respondent to take action as directed by the Additional District Munsif Court, Poonamallee in O.S.No.224 of 2010. Since no reply was



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received, the petitioner filed W.P.No.22767 of 2015 with a prayer to consider and pass orders on the representation dated 17.06.2015.

2.4. During the pendency of the suit O.S.No.224 of 2010, the fourth to seventh respondents in collusion with the second respondent, created forged documents and registered the same with a view to grab the property.

2.5. The first respondent in his Letter No.27158/U2/2015 dated 17.08.2015, directed the third respondent to conduct inquiry and initiate criminal action against the persons responsible for registration of the forged and fabricated document in Doc.No.4521 of 2015, but, till date no action has been taken by the third respondent.

2.6. Pursuant to the order dated 28.07.2015 in W.P.No.22767 of 2015, the first respondent vide proceedings no.37313/U1/2015 dated 06.11.2015, clearly reiterated the Judgment and Decree dated 08.08.2012 of the Additional District Munsif Court, Poonamallee, stating that Doc.No.4521/2005 dated 10.08.2005 is forged one, but, no action has been initiated till date. The petitioner has sent several representations to the official respondents, but the



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second respondent, who is the concerned authority to make necessary entries in the Register failed to cancel the forged Doc.No.4521/2005.

2.7. The petitioner has sent a detailed representations dated 05.09.2016, 20.09.2017 and 22.11.2017 to the first respondent, but the first respondent failed to consider the representations and to take appropriate action against the fourth to seventh respondents, despite the fact that the order passed in O.S.No.224 of 2010, was in favour of the petitioner. Hence the writ petition.

3. Pursuant to the order passed by this Court on 25.07.2018, the negligence on the part of the third respondent would show that there is a grave misconduct as per Rule 20 of the Tamil Nadu Government Servants Conduct Rules, 1973.

4. By the above order dated 25.07.2018, the third respondent was directed to show cause as to why he should not be proceeded departmentally for dereliction of duty and why he should not be imposed with exemplary costs for his inaction.



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5. Learned Government Advocate appearing for the first to third respondents has filed a counter affidavit on behalf of the third respondent, wherein, it is stated that the concerned officer, who was the District Registrar (Admin) at the time of the order passed by this Court on 25.07.2018 namely P.V.Geetha has died due to illness. Thereafter, Mr.Ravindranath was served as District Registrar (Admin), South Chennai, Chennai and subsequently, M/s.K.Meenakumari, was served as District Registrar (Admin). But, the order passed by this Court on 25.07.2018 was not brought to their notice. Thereafter, bifurcation was also taken place in the year 2022.

6. Pursuant to the above order passed by this Court, a complaint has been lodged by the second respondent before the Deputy Commissioner of Police (CBCID), Avadi on 25.06.2024.

7. The representations of the petitioner dated 20.09.2017 and 22.11.2017 is to take appropriate action against the concerned persons for creating the forged document in Doc.No.4521/2005. Since under Section 83 of the Registration Act, 1908, the representations have been considered and the complaint has been lodged as stated above, nothing survives for further



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adjudication in this writ petition and is accordingly dismissed. No costs.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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To

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