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W.P.No.21274 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.21274 of 2024

A.Sai Vignesh Thiravium

... Petitioner

Vs.

1.The District Registrar
Office Of The District Registrar,
JCK Nagar, Paranur, Chengalpet -603 002.

2.The Sub Registrar,
Office Of The Sub Registrar,
No. 29, South Mada Street, Thiruporur,
Chengalpet District -603 110.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, Directing the Respondents to entertain registration of document pertaining to plot No.28, Sri Dhandayuthapani Nagar, Kannivakkam Village by removing the entry relating to Settlement Deed Document No.11040 of 2013 dated 13.08.2013 in SRO, Thirupour from the relevant registers and from the computer digital data by which encumbrance certificates are generated.

For Petitioner : M/s.S.S.Swaminathan



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For Respondents : Mr.P.Harish, Govt. Advocate
for R1 & R2.

ORDER

The above Writ Petition is filed for the following reliefs:-

" Directing the Respondents to entertain registration of document pertaining to plot No. 28, Sri Dhandayuthapani Nagar, Kannivakkam Village by removing the entry relating to Settlement Deed Document No.11040 of 2013 dated 13.08.2013 in SRO, Thirupour from the relevant registers and from the computer digital data by which encumbrance certificates are generated."

2. The case of the petitioner is that the larger extent of the property which is the subject matter of the settlement deed belonged to one Sadagopachariar. On his death, his only legal heir V.Kannakammal succeeded to the property by inheritance. She sold the property to one P.Rajagopalan under a registered sale deed dated 19.11.1965. Thereafter, the said Rajagopalan through his power agent sold an extent of 876 Sq.ft. including 120 sq.ft. passage right in Plot



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No.28 to one M.Alif Nisha under a registered sale deed dated 19.03.2012 and another extent of 624 Sq.ft. including 120 sq.ft. passage right in Plot No.28 to Jothilakshmi and D.Arul Selvi under a registered sale deed dated 19.03.2012.

3. The petitioner had purchased an extent of 624 sq.ft. including 120 sq.ft. passage right in Plot No.28, comprised in New Survey No.12/84, Kanivakkam Village from one R.Velusamy and others under a registered sale deed dated 26.04.2021 and another extent of 876 sq.ft. including 120 sq.ft. passage right in Plot No.28, comprised in New Survey No.12/85, Kannivakkam Village from M.Alif Nisha under a registered sale deed dated 26.04.2021. When the petitioner had made preparatory measures to sell the above properties and enquired with the 2nd respondent about the registration process, it came to light that there is an entry in the Guideline Register prohibiting the registration of documents pertaining to Plot No.28 due to the registration of a fake document, namely, the Settlement Deed dated 12.08.2013 registered as Document No.11040 of 2013 on the file of SRO, Thiruporur. Therefore, the entry made in the online



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Encumbrance Certificate would show that the Document No.11040 of 2013 is a fake document.

4. The petitioner would submit that the 2nd respondent had accepted for registering the Sale Deed in favour of the petitioner but now refuses registration of any document in respect of Plot No.28, comprised in S.No.12, Kannivakkam Village, on the basis that the settlement deed dated 12.08.2013 is a fake document. However, there is no order from a Court declaring it so. Aggrieved by the same, the petitioner is before this Court.

5. Heard the counsels on either side.

6. Considering the facts and circumstances of the case and also considering the fact that the sale in favour of the petitioner which was after the alleged fake settlement deed which is of the year 2013 and that the petitioner has clearly traced his title on the subject property from the year 1965, the Writ Petition is allowed. The respondents are directed to entertain registration of document pertaining to Plot No.28,



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Sri Dhandayuthapani Nagar, Kannivakkam Village, within a period of 2 weeks from the date of its representation by the petitioner, without raising the above issue that the Encumbrance Certificate contains a remark that the Document No.11040 of 2013 dated 13.08.2012, on the file of the SRO, Thiruporur is a fake document. No costs.

28.11.2024

(shr)

Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No

To
1.The District Registrar
Office Of The District Registrar,
JCK Nagar, Paranur, Chengalpet -603 002.

2.The Sub Registrar,
Office Of The Sub Registrar,
No. 29, South Mada Street, Thiruporur,
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P.T. ASHA. J.,



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