



W.P.No. 34965 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 34965 of 2024

Pushpavalli Suresh Babhu

... Petitioner

Vs

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.

2. The District Registrar (Admin),
Chengalpattu District,
Chengalpattu.

3. The Sub Registrar,
Cheyyur, Chengalpet District.

4. S.Mohamed Aslam

5.A.Abdul Hadi

6. A.M.Ahamed Faizal

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of



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India seeking to issue Writ of Mandamus, to direct the 2nd respondent to conduct enquiry on the complaint filed by the petitioner dated 24.01.2024 against the fraudulent registration of sale deed in Doc.No.488 of 2021 on the file of the 3rd respondent within the time limit that may be fixed by this Court under sections 81, 82 and 83 of the Registration Act, 1908.

For Petitioner : Mr.Eswar, Kumar and Rao
For Respondents 1 to 3 : Mr.P.Harish
Government Advocate.

ORDER

The above Writ Petition has been filed seeking a mandamus to direct the 2nd respondent to conduct an enquiry on the complaint filed by the petitioner dated 24.01.2024 against the fraudulent registration of sale deed in Doc.No.488 of 2021 on the file of the 3rd respondent within the time limit that may be fixed by this Court under Sections 81, 82 and 83 of the Registration Act, 1908.

2. It is the case of the petitioner that one Ramesh, Akbar Ali and Mohamed Aslam / 4th respondent had formed a partnership firm in the



name and style of "M/s.Pearl Beach" on 12.02.2017. The Firm was dissolved by Deed of Dissolution dated 12.01.2017. This Firm had formed a layout in Paramankeni Village, Cheyyur Taluk, Chengalpet District in various survey numbers. The said layout was approved by the President, Paramankeni Village Panchayat vide Resolution No 55 dated 11.01.2009. The lands in the layout were partly owned by the partnership firm and partly owned by a Society registered under the Societies Registration Act, going by the name "M/s.The Good Samaritans". After the approval of the panchayat, the Firm had sold the lands in the layout as residential plots to various purchasers and the petitioner was one of the purchaser, he having purchased Plot No.193 under a registered Sale Deed dated 28.03.2012.

3. The petitioner claims to be the Secretary of M/s.Pearl Beach Plot Owners Welfare Association. It appears that the Association had filed a complaint before TNRERA in C.No.119 of 2023 and the 4th respondent had filed a suit in O.S.No.249 of 2024 on the file of the



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Additional District Court, Chengalpet. Meanwhile, in the month of September 2023, the petitioner came to learn that the Partnership Firm and the Society, both represented by Power of Attorney holder Mohamed Aslam, the 4th respondent herein, had executed a registered Sale Deed dated 20.01.2021 in favour of the 5th and 6th respondents herein under Document No.488 of 2021 on the file of the Sub Registrar, Cheyyur. The schedule of the aforesaid sale deed mentioned the property as an agricultural property, nestled between the housing plots. The petitioner would submit that a fraud has been played and the revenue officials have also colluded with the 4th respondent to project the land as agricultural lands. The other allegation of fraud is that the partnership firm had been dissolved when the document had been preferred. Therefore, the petitioner sent a complaint on 24.01.2024 to the 2nd respondent stating that there has been a fraudulent registration and requesting them to take action against respondents 4 to 6 herein under Sections 81, 82 and 83 of the Registration Act. Since the complaint has not been considered yet, the



petitioner has come forward with this writ petition in question.

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4. Heard the learned counsels on either side.

5. To a question posed as to how the petitioner was aggrieved by the aforesaid action, the answer was in negative and the contention was only that fraud had been played. The fraud alleged is of two kinds.

a) That the property, which has been the subject matter of sale to respondents 5 and 6, has been described as an agricultural land even though the same is surrounded by housing plots in a layout.

b) The sale has been executed in the name of the partnership firm after the partnership firm had been dissolved.



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6. As regards the first issue, it is for the registering authorities to take a call on the same and the petitioner is in no way aggrieved by the classification nor the Stamp Duty that has been paid.

7. The next allegation is that the partnership firm has been dissolved by a Deed of Dissolution dated 12.01.2017 and therefore, the execution of the document by the Power Agent was fraudulent. Once again, the party who needs to be concerned about the same is the purchaser and the petitioner is in no way aggrieved by the same. Therefore, the writ petition is totally misconceived and the jurisdiction of this Court under Article 226 is sought to be misused to settle the private scores. Accordingly, the writ petition is dismissed. No costs.

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Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
srn



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To,

1. The Inspector General of Registration,
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2. The District Registrar (Admin),
Chengalpattu District,
Chengalpattu.
3. The Sub Registrar,
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P.T.ASHA, J.,

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