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WP No. 10273 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 10273 of 2025
and WMP No. 11573 of 2025**

B.Ramapriya

Petitioner(s)

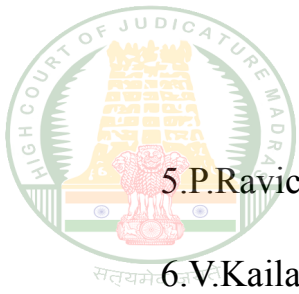
Vs

1. The District Registrar
(Administration)
Central Chennai,
Office of District Registrar,
Chamiers Road, Chennai-600 018

2.The Sub Registrar
Villivakkam, Mogappair West,
Ambattur Industrial Estate,
Chennai-600 037

3.The Tahsildar
Ambattur Taluk Office,
P.I Cycle Industries,
Near Tiruvallur High Road,
Ambattur Chennai-600 053

4.K.Srinivasan



5.P.Ravichandran

6.V.Kailasam

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7.The Unique Identification Authority
Of India (UIDAI),
Represented By Its Chairman,
Khanija Bhawan,
No.49, III Floor,
South Wing, Race Course Road,
Bengaluru - 560 001.

Respondent(s)

(R7-suo motu impleaded as per order dated 25.03.2025 In WP.No.10273 of 2025)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring the registration of the fraudulent execution of the Sale deed dated 09.02.2024 registered as Doc.No.905 of 2024 on the file of the 2nd respondent as perse illegal, void, non-est in the eye of the law, unenforceable, without jurisdiction and against the public policy and consequently direct the 2nd respondent to remove/delete the entry in Book-1 and encumbrance certificate in respect of the said Sale Deed dated 9.2.2024 and also to direct the 3rd respondent to cancel the TSLR patta fraudulently obtain in favour of the 6th respondent over the land to the extent of 2400 sq.ft comprised in Survey No.610/A-2, New survey No.610/A2A1B, bearing plot No.6 forming part of the layout in P.D.R.Nagar, situated at No.54, (Old No.61) Korattur Village, Ambattur Taluk, Tiruvallur District within a time to be stipulated by this Court.



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For Petitioner(s): Mr.R. Murali

For Respondent(s): Mr.U.Baranidharan
Special Government Pleader
for R1 to R3
Mr.Alan David Rufus
for R6
Mr.A.R.L.Sundaresan
Additional Solicitor General
assisted by
Mr. K.Srinivasa Murthy for R7

ORDER

When this writ petition came up for hearing on 25.03.2025, this Court passed the following order:

*The Unique Identification Authority of India [UIDAI],
Represented by its Chairman, Khanija Bhawan, No.49, III Floor,
South Wing, Race Course Road, Bengaluru - 560 001, is suo
motu added as seventh respondent in the writ petition.*

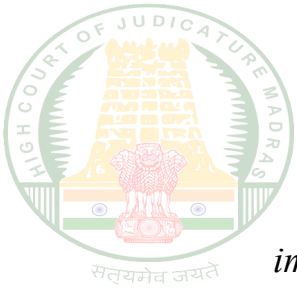
*2. Mr.U.Baranidharan, learned Special Government
Pleader takes notice on behalf of respondents 1 to 3.
Mr.K.Srinivasamurthy, learned counsel takes notice on behalf of
the impleaded seventh respondent. Notice to respondents 4 to 6
returnable by 15.04.2025. Private notice is also permitted.*



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3. *The specific ground that has been taken by the petitioner is that the petitioner was impersonated by one Ramapriya and she had executed a fraudulent sale deed bearing Document No.905 of 2024 in favour of the sixth respondent with respect to the subject property that belonged to the petitioner, by producing a fake Aadhaar card. Based on the same, the sixth respondent colluded with the fifth respondent and managed to add his name in the TSLR. The petitioner after coming to know of the same, filed a protest petition before the second respondent with a request not to entertain registration of any further document pertaining to the subject property. The petitioner also gave a complaint to the Commissioner of Police, Commissionerate Avadi, against the sixth respondent and an FIR came to be registered in Crime No.22/2025 for offences under Sec.120B, 419, 465, 468, 467, 471 & 420 IPC.*

4. *The learned counsel appearing on behalf of the petitioner submitted that the Aadhaar card that has been given to the petitioner carries the number 8467 7365 2010, and the fake Aadhaar card produced before the second respondent bears the number 5168 5513 9058.*



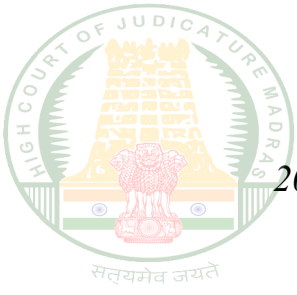
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5. *The learned counsel appearing on behalf of the impleaded seventh respondent shall take written instructions with respect to the genuineness of the alleged fake Aadhaar card No.5168 5513 9058 that was produced before the second respondent.*

6. *Post this writ petition along with W.P.No.1062 of 2025 and W.P.No.8801 of 2025 under the caption 'for orders' on 15.04.2025. In the meantime, there shall be a direction to the second respondent not to entertain registration of any documents pertaining to the subject property until further orders are passed in this writ petition.*

2. When this writ petition was taken up for hearing today, the 6th respondent who is the purchaser of the property has filed a counter affidavit and the relevant portions are extracted hereunder:

2. *I respectfully submit that I am a bona fide purchaser for valid consideration of the property comprised in Town Survey No. 67/32, measuring an extent of 2400 sq. ft, situated at Korattur Village, Ambattur Taluk, Tiruvallur District, under a Sale Deed dated 09.02.2024, registered as Document No. 905 of*



2024 on the file of the Sub-Registrar, Villivakkam.

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3. I state that I purchased the said property believing the same to be genuine, lawful, and free from encumbrance, relying on the documents produced before the registering authority. At the time of execution, I had no reason to suspect any impersonation or forgery involved in the execution of the Sale Deed. I acted in good faith and had no knowledge of the impersonation, or any fraud committed by the executant.

4. I further submit that I am a victim of the impersonator who fraudulently posed as the true owner of the subject property. Upon learning of the complaint made by the Petitioner and the subsequent criminal investigation, I was shocked and distressed to discover that I had been deceived and defrauded by an unknown person who had falsely represented herself to be the lawful owner of the property.

5. I submit that I have no objection to the prayer sought for by the Petitioner, as I have been misled into purchasing the property through fraudulent means. I am fully cooperating with the investigation initiated by the authorities in Crime No. 22 of 2025 and I am committed to pursuing appropriate remedies in



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accordance with law to recover my financial losses and initiate legal action against the impersonator and others involved in the fraudulent transaction.

6. I further submit that I had no role whatsoever in any conspiracy or collusion as alleged in the Writ Petition. I am an innocent and unsuspecting purchaser who has suffered due to the fraudulent and illegal acts of the impersonator. I place my full faith in the wisdom of this Hon'ble Court and the law enforcement authorities to bring the real culprits to justice.

7. In view of the above, I most respectfully submit that I have no objection to the prayers sought by the Petitioner, and I stand with her in seeking the annulment of the fraudulent Sale Deed dated 09.02.2024.

3. Pursuant to the earlier directions issued by this Court, the 7th respondent has also filed an affidavit. The 7th respondent is represented by Mr. A.R.L. Sundaresan, learned Additional Solicitor General. The learned Additional Solicitor General relied upon Paragraph Nos. 9 to 18 in the affidavit and the same is extracted hereunder:



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9. *It is submitted that the only provision which enables the Authority to disclose the identity information or authentication records of the resident is Section 33 of the Aadhaar Act {read with Regulation 3 of the Aadhaar (Sharing of Information) Regulations, 2016}, which states that the identity information or authentication records of an Aadhaar Number Holder (defined below) can be disclosed by the Authority only after an order to that effect which is passed by the Judge of a High Court. The said Section 33 (1) also provides that such Order of disclosure can only be passed after an opportunity of hearing is provided to the Authority and the concerned Aadhaar Number Holder.*

Section 33- Disclosure of information in certain cases:-

(1) Nothing contained in sub-section (2) or sub-section (5) of section 28 or sub-section (2) of section 29 shall apply in respect of am disclosure of information, including identity information or authentication records, made pursuant to an order of a court not inferior to that of a [Judge of a High Court]:

Provided that no order by the court under this sub-section shall be made without giving an



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opportunity of hearing to the Authority [and the concerned Aadhaar number holder].

[Provided further that the core biometric information shall not be disclosed under this subsection.]

10. As per Aadhaar (Sharing of Information) Regulations, 2016, Chapter II Restrictions on Sharing of Identity information states as under:

Regulation 3- Sharing of information by the Authority:-

(4) The Authority may share demographic information and photograph, and the authentication records of an Aadhaar number holder when required to do so in accordance with Section 33 of the Act.

11. The term "Aadhaar Number Holder" as stated under the aforesaid Regulation 3 (4) of the Aadhaar (Sharing of Information) Regulations, 2016 is defined under Section 2 (b) of the Aadhaar Act: -

Section 2 (b) - Aadhaar number holder means



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an individual who has been issued an Aadhaar Number under this Act.

12. That while dealing with the purport of the aforesaid section 33 (1) of the Aadhaar Act, 2016 (as amended) the Constitution bench of the Hon'ble Supreme Court of India in the case of Justice K.S. Puttaswamy & Anr. vs. Union of India & Ors, reported as 2019 1 SCC 1 had observed as under-

"Para 344 at page 420-421 We, therefore, clarify the provisions of sub-section (1) of Section 33 by reading into the provisions that an individual whose information is sought to be released shall be afforded an opportunity of hearing. There is a reasonable presumption that the said court shall take into consideration relevant law including Article 20(3) of the Constitution as well as privacy rights or other rights of that person before passing such an order. Moreover, a person in respect of whom order is passed shall also be heard and will have right to challenge the order in a higher forum. Not only this, proviso to Section 33(1) puts an additional safeguard by providing that even UIDAI shall be heard before.

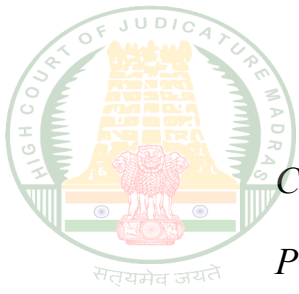


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an order is passed to this effect by the Court. In that sense, the Authority is to act as trustee and it may object to passing of the order by the court. Such a happening is actually taken place. We have already noticed that against the order of the High Court of Bombay in some criminal proceedings, order was passed directing the Authority to give biometric information of a person, the Authority had filed Special Leave Petition (Criminal) No. 2524 of 2014 challenging the said order on the ground that giving of such biometric information was contrary to the provisions of the Aadhaar Act as the information was confidential. This Court stays the operation of the said order which depicts that there are sufficient safeguards provided in sub-section (1) of Section 33 itself."

13. It is also submitted that under such circumstances any disclosure of information pertaining to such Aadhaar number holder without giving an opportunity of hearing to him under section 33(1) would not only be in violation of the mandate of the Aadhaar Act, 2016 (as amended) but would also further erode the very purpose of the judgement passed by the



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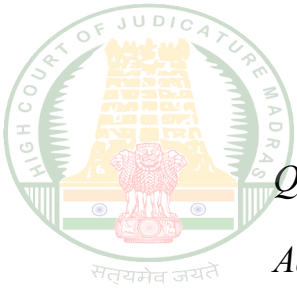
Constitution bench of the Hon'ble Supreme Court in Justice K.S.

Puttuswamy (Retd.) and Anr. Vs Union of India reported as 2019

1 SCC 1 as per which a prior hearing to the concerned Aadhaar number holder is inevitable. It is also submitted that disclosure of any Information without giving an opportunity of hearing to the concerned Aadhaar number holder would be in violation of Article 20(3) of the Constitution as well as the privacy rights or other rights of that person(s).

*14. It is submitted that in view of the aforesaid provisions and judgment, it can be summarized that disclosure of identity information or authentication records other than core biometric (iris, fingerprints) can only be made, pursuant to an order of Judge not inferior to that of a High Court, after providing an opportunity of **hearing to the said Authority and the concerned Aadhaar Number Holder.***

15. It is further submitted that Aadhaar Number is generated by submitting the demographic and biometric information and the same is issued digitally signed by UIDAI which can be verified on the secure QR CODE. Secure QR CODE contains Ref Id, Name, Gender, DOB, Mobile, Email, Address, Photograph and 2048-bit digital signature. Aadhaar

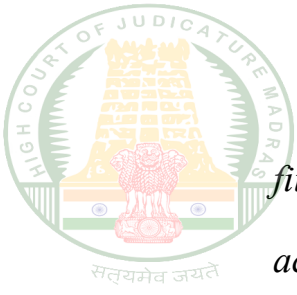


QR Code is available on Aadhaar Letter, e-Aadhaar and m-Aadhaar can be read through mobile Apps.

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16. Further, as stated in para 4 and para 5 above, Aadhaar and its platform offers a unique opportunity for the government to streamline its delivery mechanism under welfare schemes, thereby ensuring transparency and efficiency. The use of Aadhaar as an identity document enables beneficiaries to get their entitlements directly in a convenient and seamless/hassle free manner by obviating the need to produce multiple documents to prove one's identity. Aadhaar Number is not used to track other activities of the resident.

17. The light of the legal provisions of the Aadhaar Act, 2016 (as amended) and the judgement of the Hon'ble Supreme Court of India passed in Writ Petition No. 494 of 2012 [Justice K.S. Puttaswamy (Retd.) and Another Vs Union of India and Others], it is respectfully submitted that sharing of the information without hearing the concerned Aadhaar Number Holder i.e. Aadhaar Number xxxx-xxxx-9058 shall violate the privacy of that person under Section 33 (1) of the Aadhaar Act. Hence, it is prayed that an appropriate direction in accordance with the above-mentioned provisions may be passed, as deemed



fit by this Hon'ble Court that would enable this respondent to act accordingly.

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18. It is humbly submitted that in the meanwhile, UIDAI has initiated action as per Regulation 28 of Aadhaar (Enrolment and Update) Regulation, 2016 to deactivate the Aadhaar Number xxxx-xxxx-9058 mentioned in the Order dated 25.03.2025.

4. In the considered view of this Court, the purchaser of the property has given no objection for the cancellation of the Sale Deed and he has also given an undertaking that he will co-operate for the investigation that is pending in Crime No.22 of 2025 on the file of the CCB, Avadi.

5. In view of the above, this Court declares that the Sale Deed dated 09.02.2024 registered as Document No.905 of 2024 on the file of the 2nd respondent as illegal and non est in the eye of law. An entry to that effect shall be made by the 2nd respondent, within a period of one week from the date of receipt of copy of this order. In view of the same, the relevant entry made in the TSLR shall also be cancelled by the 3rd respondent and restore it to its original



position in the revenue records . This process shall be completed by the 3rd respondent, within a period of four weeks from the date of receipt of copy of this order.

6.Considering the stand taken by the 7th respondent in the affidavit and taking note of the judgement of the Apex Court in ***K.S.Puttaswamy*** case, there shall be a direction to the 7th respondent to submit the relevant particulars to the police in a sealed cover in order to enable the police to proceed further with the investigation.

7.This writ petition is disposed of in the above terms. No Costs.
Consequently, connected miscellaneous petition is closed.

15-04-2025

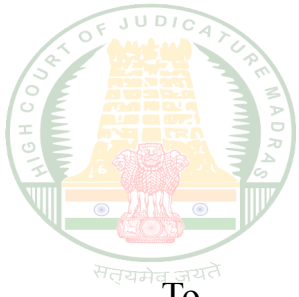
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



To
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17/17

WP No. 10273 of 2



N.ANAND VENKATESH J.

SSR

WP No. 10273 of 2025

15-04-2025