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W.P.No.27079 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27079 of 2023

1.K.A.Abdul Rasheed

2.K.A.A.Zuvalriya Beevi

3.K.A.Sumaiya Bivi

4.K.A.A.Athiya Bivi

...Petitioners

Vs.

1.The Inspector General of Registration,
Registration Department,
Santhome High Road,
Chennai-600028.

2.The District Registrar,
Tiruvarur Registration District,
Tiruvarur-610001

3.The Sub Registrar,
Koothanallur Sub Registrar Office,
Koothanallur-614101

4.K.R.K.Mohammed Kamaludeen

5.C.Arockiaraj



6.All Commercial Association
Varthaga Sangam,
Lakshmangudi,
Koothanallur-614101.

7.V.K.Mohamed Ibrahim

8.V.K.Sadiq Batcha

9.Sivaji

10.L.B.Mahammed Ebrahim

11.Kishore Kumar

12.D.Babu

13.The Commissioner,
Koothanallur Municipality,
Koothanallur-614101

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to consider and pass orders on the petitioner's representation dated 24.11.2022 with regard to cancel the fraudulent documents in respect of the property measuring about 47 cents comprised in (1) Survey No.168/5, 174/7C2 of Marakadi Village, Koothanallur Taluk, Triuvavarur District viz.

(1) Sale deed dated 22.11.2010 executed by 4th respondent in favour of 5th respondent registered as Document No.1478 of 2010 in the SRO, Koothanallur;

(2) Sale deed dated 20.12.2010 executed by 4th respondent in favour of 6th respondent registered as Document No.1611 of 2010 in the SRO,



Koothanallur;

(3) Sale deed dated 08.09.2010 executed by 7th and 8th respondents in favour of 9th respondent registered as Document No.1210 of 2010 in the SRO, Koothanallur; and its subsequent documents viz.

(4) Rectification deed dated 24.11.2011 executed by 4th respondent in favour of 6th respondent registered as Document No.1420 of 2011 in the SRO, Koothanallur;

(5) Exchange deed dated 07.06.2019 entered between 6th & 12th respondents registered as Document No.774 of 2019 in the SRO, Koothanallur;

(6) Gift Deed dated 10.08.2021 executed by 5th respondent in favour of 13th respondent, registered as Document No.1063 of 2021 in the SRO, Koothanallur;

(7) Sale deed dated 10.08.2012 executed by 9th respondent in favour of 10th respondent registered as Document No.1003 of 2012 in the SRO, Koothanallur;

(8) Sale Deed dated 08.11.2019 executed by 10th respondent in favour of 11th respondent registered as Document No.1717 of 2019 in the SRO, Koothanallur.

For Petitioners : Mr.D.Pariventhan

For R1 to R3 : Mr.T.Arunkumar,
Additional Government Pleader

For R13 : Mr.G.Krishnaraja,
Additional Government Pleader



ORDER

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The relief sought for in the present writ petition is to direct the 3rd respondent to consider the petitioner's representation dated 24.11.2022 with regard to cancellation of fraudulent documents in respect of the subject property.

2. The issues raised in the present writ petition were adjudicated by this Court in a batch of writ petitions in ***W.P.No.4192 of 2018 [A.Selvam vs. The Sub Registrar, Dadagapatti, Salem District] etc., and batch***, and a judgment was delivered on 15.06.2023. In this regard, the Inspector General of Registration has issued a Letter No.19464/U1/2023 dated 10.06.2023 in Circular No.1 of 2023. The relevant paragraphs of the above said judgment are extracted hereunder:

“33. In view of the facts and circumstances, the following orders are passed:

1. In respect of the complaints pending before the District Registrars concerned and the appeals pending before the respective Appellate Authorities, the Inspector General of Registration shall direct all the authorities to follow Circular



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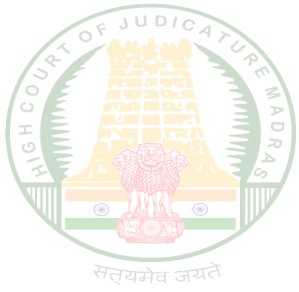
No.1/2023 dated 10.06.2023 strictly for the purpose of disposal of the complaints and the appeals in a consistent manner.

2. The Inspector General of Registration is directed to incorporate the further clarifications as stated in this order and issue a fresh Circular within a period of two weeks from the date of receipt of a copy of this order.

3. The respondents are directed to relegate the parties to approach Civil Court of Law, in the event of disputed facts regarding civil rights exist between the parties.

4. In the event of violation of the guidelines issued by the Inspector General of Registration or the directions issued by this Court or any other lapses, negligence or dereliction of duty is found while performing the duties by the authorities, departmental disciplinary proceedings are to be initiated under the relevant Service Rules.

5. The Inspector General of Registration is directed to conduct periodical Reviews as



warranted under the Rules of Public Administration.”

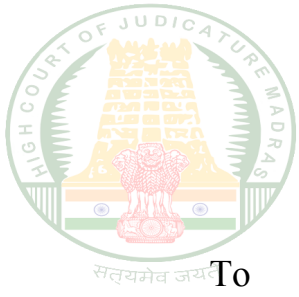
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3. In view of the fact that the case of the petitioners is also similar to that of the cases cited *supra*, the case of the petitioners is also to be considered on the same line.

4. Accordingly, this Writ Petition stands disposed of. No costs.

15.09.2023

Index:Yes
Neutral Citation:Yes/No
Speaking order
hvk/dpa



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To
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