

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31-08-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.15641 of 2023

And

WMP No.15133 of 2023

Mrs.Sundarambal

... Petitioner

Vs.

1.Deputy Inspector General of Registration,
Chennai Zone,
No.120, Santhome High Road,
Bharathi Nagar,
Raja Annamalaipuram,
Chennai.

2.District Registrar,
Chennai Central Registration District,
No.182, Bharathi Salai,
Pycrofts Road,
Royapettah,
Chennai.



3. Tamil Nadu Housing Board,
Represented by its Superintending
Engineer/Administrative Officer,
K.K.Nagar Division,
No.C-48, 3rd Floor,
2nd Avenue, Anna Nagar,
Chennai-600 040.

4.A.Kalpana Devi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records in respect of the proceedings of the first respondent in No.3950/B1/2022 dated 07.02.2023 confirming the order of the second respondent in his proceedings in No.2954/B2/2022 dated 21.06.2022 and quash the same.

For Petitioner : Mr.G.Mohanakrishnan

For Respondents-1 and 2: Mr.T.Arunkumar,
Additional Government Pleader.

For Respondent-3 : Mr.D.Veerasekaran

For Respondent-4 : Mr.T.N.Rangesh Kanna

ORDER

The order passed by the first respondent dated 07.02.2023



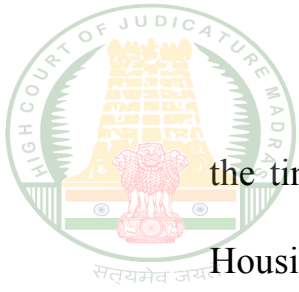
confirming the order passed by the second respondent in proceedings dated 21.06.2022, are under challenge in the present writ petition.

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2. The petitioner purchased the subject property vide Sale Deed dated 04.10.1994. Perusal of the Sale Deed reveals that it was executed by the Tamil Nadu Housing Board, a Statutory Body incorporated by the Tamil Nadu Housing Board Act and represented by the Executive Engineer and the Administrative Officer, K.K.Nagar Division of the Tamil Nadu Housing Board.

3. In the Sale Deed executed in favour of the writ petitioner, it is stated that Tmt.S.Sundarambal (writ petitioner herein) is the daughter of Thiru P.V.Narayanan and residing at A.P.749, 94th Street, 15th Sector, K.K.Nagar, Madras-600 078.

4. It is not in dispute between the parties that Mr.P.V.Narayanan is the Original Allottee by the Tamil Nadu Housing Board and he is entitled to hold the title over the allotted property. Further, it is not in dispute that the Original Allottee Mr.P.V.Narayanan was alive at



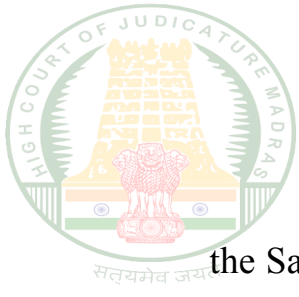
the time of execution of the Sale Deed on 04.10.1994 by the Tamil Nadu Housing Board.

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5. The dispute aroused with reference to the contentions that the writ petitioner Tmt.S.Sundarambal is not the daughter of the Original Allottee Mr.P.V.Narayanan and the writ petitioner has fraudulently executed the Sale Deed with the collusion of the Housing Board Authorities.

6. The son of Mr.P.V.Narayanan filed a complaint before the Authorities on the ground that his father's name was fraudulently utilised for the purpose of execution of Sale Deed in favour of the writ petitioner regarding the house allotted by the Tamil Nadu Housing Board.

7. Based on the complaint, actions were initiated. A criminal case was registered, which is pending. During the pendency of the criminal case, an application was filed to cancel the document before the District Registrar under the provisions of the Registration Act, 1908.



8. The District Registrar adjudicated the issues and found that the Sale Deed was fraudulently executed in favour of the writ petitioner and accordingly passed an order in favour of the fourth respondent.

9. An appeal was preferred by the writ petitioner before the Deputy Inspector General of Registration, who in turn had also elaborately considered the issues by affording an opportunity to the parties concerned.

10. The findings made by the Deputy Inspector General of Registration in his order dated 07.02.2022 reveals that the Sale Deed produced by the parties reveals that Tmt.S.Sundarambal, is the daughter of Mr.P.V.Narayanan. However, in the legal heir certificate produced, the name of the writ petitioner Tmt.S.Sundarambal was not found. Thus the Authorities found that Tmt.S.Sundarambal is not the daughter of Mr.P.V.Narayanan, who was the Original Allottee. In fact, the name of the father of the writ petitioner Tmt.S.Sundarambal is Thiru.Ayyavu Chettiar.

11. A criminal complaint was registered against the writ petitioner and the Executive Engineer of the Tamil Nadu Housing board in



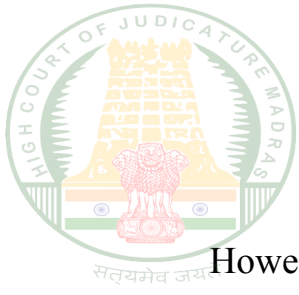
Crime No.11 of 2016. As stated above, the said criminal case is pending.

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12. Prima facie, the Authorities under the Registration Act, found that the Sale Deed was fraudulently executed in favour of the writ petitioner and more-so, the Original Allottee Mr.P.V.Narayanan was not the father of the writ petitioner Tmt.S.Sundarambal and the fourth respondent is the daughter of the said Mr.P.V.Narayanan, who has filed a complaint for initiation of further action.

13. Under those circumstances, the Deputy Inspector General of Registration passed an order prohibiting the petitioner from alienating the subject property in favour of any other person. Such orders are passed in the interest of the public at large, since there is a possibility of misleading the public.

14. Therefore, this Court is of the considered opinion that the officials of the respondents have exercised their powers within the ambit of the provisions of the Registration Act, 1908 and there is no infirmity as such.



15. Accordingly, the present writ petition stands dismissed.

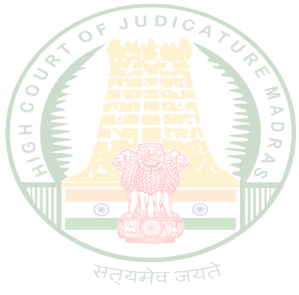
However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

31-08-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

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Chennai Zone,
No.120, Santhome High Road,
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Chennai.
2. District Registrar,
Chennai Central Registration District,
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3. The Superintending Engineer/Administrative Officer,
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VERDICTUM.IN



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S.M.SUBRAMANIAM, J.

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