

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.9330 of 2015

Solai

... Petitioner

vs.

1. The Inspector General of Registration,
Chennai - 4

2. The District Registrar,
Pudukottai
Pudukottai District

3. The Sub-Registrar,
Annavassal, Illuppur taluk,
Pudukkottai District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a issuance of Writ of Mandamus by directing the 2nd respondent herein to consider the petitioner's representation dated 17.11.2014 and initiate action in the light of the Circular No.67 dated 03.11.2011 issued by the 1st respondent herein within reasonable time as prescribed by this Court.

For Petitioner : Mr.R.S.Anandan

For Respondents: Mr.M.L.Mahendran
Government Advocate

सत्यमेव जयते
O R D E R

Heard Mr.R.S.Anandan, learned counsel appearing for the petitioner and Mr.M.L.Mahendran, learned Government Advocate appearing for respondents and perused the materials placed on record. With the consent on either side, the Writ Petition itself is taken up for final disposal at the admission stage.

2. The petitioner has filed this Writ Petition praying for a issuance of Writ of Mandamus by directing the 2nd respondent herein to consider the petitioner's representation dated 17.11.2014 and initiate action in the light of the Circular No.67 dated 03.11.2011 issued by the 1st respondent herein within a reasonable time.

3. According to the petitioner, a forged power of attorney was created by one Murugesan and his whereabouts were not known to the petitioner and based on the power of attorney, it is stated that

civil transaction have been done in respect of the property in question.

4. The learned counsel for the petitioner would state that the petitioner is the absolute owner of the property and all the documents of title are available with the petitioner, since the petitioner is not able to find the correct address of the power agent and is not able to collect the details of the civil transaction, which have taken place based on the said documents, the petitioner has approached the 2nd respondent to conduct enquiry into the matter and set aside the fraudulent transaction by invoking his power under Circular No.67 dated 03.11.2011.

5. Based on the petitioner's representation, the 2nd respondent by communication dated 08.01.2015 informed the petitioner that in the light of the Order of Stay granted by this Court staying operation of Circular No.67, matter cannot be proceeded further. Subsequently, the petitioner came to know that the validity of the Circular has been upheld by this Court in the case of Ramasamy V. State of Tamilnadu reported in 2014 (4) CTC 627 and enclosing the copy of the order, the petitioner requested the 2nd respondent to take up for consideration the representation in accordance with law.

6. In the light of the above fact that the Circular No.67 dated 03.11.2011 has been upheld by this Court, the 2nd respondent is directed to consider the petitioner's representation dated 17.11.2014 on merits and in accordance with law, after notice to the petitioner and the said power agent and all other persons, who have entered into transaction in respect of the property, conduct an enquiry into the matter and pass orders on merits and in accordance with law as expeditiously as possible.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/- सतयमेव जयते
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Inspector General of Registration,
Chennai - 4
2. The District Registrar,
Pudukottai
Pudukottai District

3. The Sub-Registrar,
Annavaſsal, Illuppur taluk,
Pudukkottai District

+1 cc to Government Pleader,SR.18398.

rk(co)
krd 8/4

W.P.No.9330 of 2015



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