



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2015

CORAM :

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THE HONOURABLE MR.JUSTICE R.MAHADEVANWrit Petition (MD) No.11976 of 2015

K.Karuppasamy

... Petitioner

Vs.

1.The District Registrar,
Madurai.2.The Joint Sub Registrar No.1,
Madurai South,
Palace Road,
Madurai 625 001.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 26.6.2015 in reference number 2040/A1/Aa2/2012 passed by the 1st respondent and quash last two paragraphs of the same and consequentially direct the 1st respondent to pass an order of annulment regarding the general power of attorney dated 15/12/2011 registered as document number 1552 of 2011 in book 4 and the sale deed dated 13/01/2012 registered as document number 386 of 2012 in book 1 on the file of the second respondent.

For Petitioner

: Mr.T.R.Jeyapalam

For Respondents

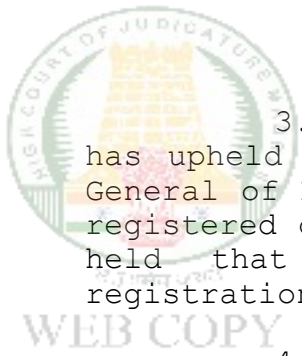
: Mr.T.R.Janarthanam,

Additional Government Pleader.

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 26.06.2015.

2.It is stated in the affidavit filed in support of this writ petition that the petitioner purchased 97 cents of land in Survey No.47/4 from Veerapandian and Thangapandi. According to the petitioner, one of his vendors had fraudulently executed a registered power of attorney dated 15.12.2011 in favour of one Thiruselvam as if he had title to an extent of 10 cents in survey Nos.47/4 and 47/5. It is further stated that the said Thiruselvam had fraudulently executed a sale deed dated 13.01.2012 in favour of one P.Pandy conveying the alleged 10 cents of land out of 1 acre and 30 cents of land in Survey Nos.47/4 and 47/5. The said sale deed had been registered as document No.386 of 2012. Hence, the petitioner submitted a detailed representation along with copies of supporting documents to the Inspector General of Registration to conduct enquiry about such fraudulent registration of documents and to annul such registration. However, the first respondent passed an order stating that this Court granted stay of operation of circular No.67, dated 05.11.2011 issued by the Inspector General of Registration, Chennai which is impugned in this writ petition.



3.Learned counsel for the petitioner submitted that this Court has upheld circular No.67 holding that circular issued by the Inspector General of Registration conferring powers to District Registrars to annul registered documents on the ground of fraud and impersonation and further held that circular contains effective procedural guidelines for registration authorities in curbing menace of fraudulent transaction.

4.Heard the learned counsel for the petitioner as well as the learned Government Advocate who took notice for the respondents.

5.Admittedly, in cases where there is allegation of impersonation, fraud or illegal registration, a Circular has been issued by the Inspector General of Registration vide Circular No.67 dated 03.11.2011. By virtue of the said circular, the District Registrar of the region is empowered to enquire into the complaints and proceed to consider the matter. The said circular was challenged in a batch of Writ Petitions before this Court contending that there is no power vested with the Inspector General of Registration for issuance of the said circular. The challenge to the said circular was rejected by this Court in the case of **Ramasamy Vs. State of Tamil Nadu** reported in **2014(4) CTC 627**. The power has been upheld by virtue of this circular, until a suitable law is enacted with regard to the scope of jurisdiction for enquiring into such a fraudulent transaction.

6.In the light of the above, the impugned order passed by the District Registrar, Madurai, the first respondent herein is set aside. The matter is remitted back to the District Registrar, Madurai the first respondent herein who shall issue notice to the petitioner and any other persons who are likely to be aggrieved and thereafter conduct enquiry after hearing the parties in person, and pass a reasoned order on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

7.The writ petition is allowed on the above terms. No costs.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

sms

To

1.The District Registrar, Madurai.

2.The Joint Sub Registrar No.1, Madurai South, Palace Road,
Madurai 625 001.

+one cc to Mr.T.R.Jeyapalam, Advocate in SR.No.42012

Writ Petition (MD) No.11976 of 2015
28.07.2015

CSL 11/08/2015

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