



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.08.2015

CORAM
THE HONOURABLE MR.JUSTICE R.SUBBIAH

WEB COPY

W.P. (MD) No.14337 of 2015

SIVASAKTHI BALAN

... Petitioner

Vs.

1. THE REGISTRAR,
PALAYAMKOTTAI REGISTRATION,
DISTRICT COLLECTORATE, TIRUNELVELI DISTRICT.

2. THE SUB REGISTRAR,
BURKITMANAGARAM SUB REGISTRATION OFFICE,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to conduct an enquiry on the petitioner's representation / complaint dated 30.06.2015 and to cancel the fraudulent registration of power deed dated 19.03.2014 in document No. 200/14 on the file of the 2nd respondent Sub Registrar office.

For Petitioner : Mr.R.Satish
For Respondents : Mr.M.Murugan
Government Advocate

O R D E R

This writ petition has been filed for a writ of Mandamus directing the respondents to conduct an enquiry on the petitioner's representation / complaint dated 30.06.2015 and to cancel the fraudulent registration of power deed, dated 19.03.2014 in document No.200/14 on the file of the 2nd respondent Sub Registrar office.

2.The case of the petitioner is that he purchased a land in Survey No.435, Ariyakulam village, Palayamkottai Taluk to an extent of 1 acre from one Renganatha Muthaliar by a registered sale deed dated 05.03.2013 in document No.1838/2013 on the file of Alangulam Sub Registrar Office, Tenkasi Registration District. Thereafter, the petitioner was in possession and enjoyment of the said property. In the meanwhile, one Velammal, W/o.Kailasanathar and Vasantha, W/o.Kumarasamy had fraudulently executed a general power deed in favour of one Kumarasamy without having any right over the property on 19.03.2014 by document No.200/14. Hence, the petitioner made a complaint to the Deputy District Registrar, Palayamkottai, Tirunelveli District on 01.02.2015 and to the first respondent herein on 30.06.2015. Further, a criminal complaint has also been lodged against those persons to the Superintendent of Police, Tirunelveli District on 02.04.2015. But till date, no action has been taken. Hence, the petitioner has come forward with this writ petition.

3.Considering the facts and circumstances of the case, without going into the merits of the matter, this Court directs the first respondent to consider the representation/complaint of the petitioner, dated 30.06.2015, after conducting an enquiry by affording opportunity to the petitioner and to the said Vellammal and Vasantha and other necessary parties, if any, and pass appropriate orders on merits and in accordance with law, within a



period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion about the merits of the case.

4. This writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

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To

1. THE REGISTRAR,
PALAYAMKOTTAI REGISTRATION,
DISTRICT COLLECTORATE, TIRUNELVELI DISTRICT.

2. THE SUB REGISTRAR,
BURKITMANAGARAM SUB REGISTRATION OFFICE,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

1CC TO MR. R. SATHISH, ADV SR: 45670

1CC TO THE SPL GP SR: 46358

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12.08.2015