



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.10.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.19883 of 2015

Venkatraman

... Petitioner

Vs.

1.The District Registrar,
Registration Department,
Pudukkottai District.

2.The Sub Registrar,
Kulathur Sub Registration Office,
Kulathur,
Pudukkottai District.

... Respondents

This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus, directing the first respondent to conduct enquiry as per Circular No.67, dated 03.11.2011 (C.No.52338/C1/2001) issued by the Inspector General of Registration, Chennai on the basis of the petitioner's representation, dated 04.03.2015 and complete the enquiry within the time stipulated by this Court.

For petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.K.Maheshraja
Govt. Advocate

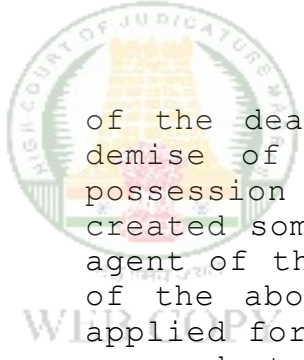
ORDER

The Writ Petition has been filed praying for a Writ of Mandamus, directing the first respondent to conduct enquiry as per Circular No.67, dated 03.11.2011 (C.No.52338/C1/2001) issued by the Inspector General of Registration, Chennai on the basis of the petitioner's representation, dated 04.03.2015 and complete the enquiry within the time stipulated by this Court.

2. Mr.K.Mahesh Raja, learned Government Advocate takes notice for the respondents.

3. By consent, this Writ Petition itself is taken up final disposal.

4. In the affidavit filed support of the Writ Petition, it has been averred that the petitioner is having ancestral property at Neerpalani Village, Kulathur Taluk, Pudukkottai District. In order to manage the immovable properties, the petitioner's father Narayanan executed a General Power of Attorney Deed in favour of one Ramu, S/o Ramudurai @ Duraisamy and the same was registered with the second respondent as document No.164 of 1996, dated 19.06.1996. The petitioner's paternal uncle Rengamannar also executed a General Power of Attorney deed, dated 06.05.1996 in favour of above said Ramu and the same was registered as document No. 142 of 1996 on the file of the 2nd respondent. The said Narayanan and Rengamannar had died on 18.01.2000 and 24.04.1999 respectively. The power agent Ramu is also fully aware



of the death of his Principal Narayanan and Rengamannar. After the demise of Narayanan and Rengamannar, the petitioner is in actual possession and enjoyment of the property. While so, said Ramu had created some documents in which, he had proclaimed himself as a Power agent of the said Narayanan and Rengamannar that too after the demise of the above said Narayanan and Rengamannar. When, the petitioner applied for the encumbrance of the property with the office of the 2nd respondent, the petitioner came to understand that certain encumbrances had been created by the Power Agent Ramu with regard to the petitioner's property in spite of the fact that he is fully aware of the factum of death of principals. After the death of the principals, the power agent is not having any right to execute any document on behalf of the principals. Therefore, the petitioner sent a detailed representation by registered post, dated 04.03.2015 to the respondents Nos.1 & 2 about the fraudulent act of the power agent Ramu. In turn that the 1st respondent had initiated an enquiry on the basis of the petitioner's complaint and issued notices to the petitioner. The petitioner appeared before the first respondent along with relevant documents on 23.04.2015, 18.05.2015, 03.07.2015, 11.08.2015. The first respondent assured that he will take appropriate action within a reasonable time. The petitioner came to know that the persons claiming right through the fraudulent documents are highly influential person and the first respondent without any valid reason unnecessarily causing delay in completing the enquiry. Hence, he has filed the present writ petition.

5. Considering the facts and circumstances of the case, without going into the merits of the case, this Court directs the first respondent to complete the enquiry based on the complaint dated 04.03.2015 given by the petitioner and pass appropriate orders on the same on merits and in accordance with law by affording an opportunity of hearing to all the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion on the merits of the claim made by the petitioner.

6. With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The District Registrar,
Registration Department,
Pudukkottai District.

2.The Sub Registrar,
Kulathur Sub Registration Office,
Kulathur, Pudukkottai District.

+1cc to Mr.P.Ganapathi Subramanian, Advocate Sr.No.64104