

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.42145 of 2016

G.C.Srinivas

... Petitioner

Versus

1. The Inspector General of Registration,
Santhome, Chennai.
2. The District Registrar,
O/o. The District Registrar (Central),
Royapettah Registrar Office,
Royapettah, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, to direct the second respondent to dispose of the petitioner's representation dated 22.12.2015 submitted to cancel the registration of General Power of Attorney dated 21.10.2010 vide Document No.816 of 2010 and Sale Agreement dated 16.11.2010 registered as Document No.4438 of 2010, both on the files of SRO, Purasawakkam, by following the Circular No.67, dated 03.11.2011, issued by the first respondent herein and upheld by this Court in WP(MD) Nos.5908 of 2013 batch.

For Petitioner : Mr.S.Sathish Rajan

For Respondents: Mr.Digvijaypandian,
Additional Govt. Pleader

ORDER

By consent of both parties, the present writ petition is taken up for final disposal at the admission state itself.

2. It is the grievance of the petitioner that the second respondent conducted an enquiry on the representation/appeal made by him on 22.12.2015. Such representation/appeal was filed seeking to cancel the power of attorney executed by one Selvi in favour of one V.Amulraj, who executed a sale agreement dated 16.11.2010 in favour of one R.Selvaraj, in respect of the

property bearing Old Door No.53, New No.125, De'Castor Road, Pulianthope, Chennai - 600 012. However, till date no orders have been passed by the second respondent.

3. According to the learned counsel for the petitioner, the property originally belongs to a Partnership Firm, namely, M/s.Thirumurugan and Company, where, he is a Partner. Selvi, who is the widowed daughter-in-law of another partner Tmt.Saraswathi, who became a partner on the death of his husband, namely, M.Chockalingam, illegally entered into the said property. In this regard, a suit in C.S.No.1081 of 2009 was filed against the said Selvi for recovery of possession, wherein, this Court, by a Judgment and Decree dated 19.04.2014, decreed the suit as prayed for. In the meantime, the said Selvi executed a power of attorney in favour of V.Amulraj and based on the said illegal power of attorney, the said V.Amulraj executed a sale agreement dated 16.11.2010 in favour of one R.Selvaraj. According to the learned counsel for the petitioner, the first respondent issued Circular No.67 on 03.11.2011, granting power to the District Registrars to cancel bogus documents, which were registered by the persons, who are not the owners of the properties and made by suppression of facts and committing fraud, which has been upheld by this Court in W.P(MD) Nos.5908 of 2013 (batch). Even in the Appellate Court, the Division Bench has only granted stay in so far as it relates to the criminal prosecution. Therefore, according to the learned counsel for the petitioner, there is no impediment for the second respondent in passing orders on the representation dated 22.12.2015. In spite of the same, no orders have been passed by the second respondent. Hence, the petitioner filed the writ petition seeking

4. Mr.Digvijaypandian, learned Additional Government Pleader takes notice for respondent and submits that the respondents may be directed to pass orders on the representation of the petitioner.

5. Having regard to the submissions of the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader, the second respondent is directed to consider the representation of the petitioner dated 22.12.2015, after giving notice to all parties concerned and pass orders thereon, on merits and in accordance with law and also in the light of the direction issued by this Court.

6. With the above direction, the present writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector General of Registration,
Santhome, Chennai.
2. The District Registrar,
O/o. The District Registrar (Central),
Royapettah Registrar Office,
Royapettah, Chennai.

+4cc to Mr.S.Sathish Rajan, Advocate Sr.70677 and 71086
+1cc to the Government Pleader Sr.71290

W.P.No.42145 of 2016

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