

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7036 of 2016

P.Madeshwaran

... Petitioner

Vs.

1. The Inspector General of Registration,  
O/o.Inspector General of Registration,  
No.100, Santhome High Road,  
Chennai-600 028.
2. The District Registrar,  
Office of the District Registrar,  
(Administration),  
Chamber No.3, Salem West,  
Salem District.
3. The Sub-Registrar,  
Office of Sub-REgistrar,  
Omalur, Salem Distirct.
4. Meenakshi
5. Ganesan
6. Jayathi Ganesan
7. Govindaraj

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to consider the petitioner's representation dated 25.01.2016 to conduct proper investigation and to cancel the fraudulent transactions in accordance with the Circular No.67, dated 03.11.2011, issued by the 1<sup>st</sup> respondent.

For Petitioner : Mr.A.Nagarathinam

For respondents : Mr.P.Sanjay Gandhi,  
Additional Government Pleader  
(For R1 to R3)

## ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to consider the petitioner's representation dated 25.01.2016 to conduct proper investigation and to cancel the fraudulent transactions, in accordance with the Circular No.67, dated 03.11.2011, issued by the 1<sup>st</sup> respondent.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows-

2-1.The petitioner is the owner of the property measuring about 0.41 ½ acre in S.No.198/1 and the property measuring 1.13.00 hectares in S.No.198/2A agricultural land at Tharapuram Village, Omalur Taluk and Salem District, and the Patta bearing No.517, Chitta and Adangal stand in his name in respect of the said properties. The petitioner has been in possession and enjoyment of the said properties. The petitioner executed a Power of Attorney Deed bearing Doc.No.119 of 1999, dated 29.07.1999, in favour of his second wife namely Mrs.Meenakshi, only in respect of the property comprised in S.No.198/1 measuring 0.41 ½ acre and the property comprised in S.No.198/2 measuring about 0.58 ½ cents of agricultural land at Tharapuram Village, Omalur Taluk, Salem District. On the basis of the said Power of Attorney, the said Meenakshi executed a Sale Agreement dated 30.07.1999 in favour of one Govindaraj.

2-2.Since there was fraudulent act on the part of the said Meenakshi, the petitioner cancelled the Power of Attorney by way of Deed of Cancellation bearing Doc.No.141 of 1999 dated 20.10.1999. The same was communicated to the said Meenakshi and the petitioner had sent a notice to the Sub-Registrar, Omalur, requesting him not to execute any deed of conveyance in respect of the said properties. The petitioner had also filed a suit in O.S.No.274 of 2007 before the learned District Munsif-cum-Judicial Magistrate, Omalur, against the said Meenakshi and one Parameshwaran, for permanent injunction restraining them from disturbing the peaceful possession and enjoyment of the petitioner in respect of the said properties. The learned District Munsif has also decreed the said suit, by judgment dated 16.12.2011, in favour of the petitioner.

2-3.In the meantime, the said Meenakshi and Govindaraj executed a Sale Deed vide Doc.No.364 of 2008, dated 22.01.2008 registered on the file of the Sub-Registrar of Omalur, in favour of one Mr.P.Vankatesan @ Sitheswaran, S/o.Pachamuthu, in respect of the said properties. Then, the said P.Venkatesan @ Sitheswaran executed a sale deed vide Doc.No.2477 of 2008, dated 21.03.2008, registered on the file

of the Sub-Registrar, Omalur, in favour of one Mr.S.Ganesan and Mrs.Jayanthi Ganesan, in respect of the said properties. Then, one C.Parameshwaran and others executed a Sale Deed vide Doc.No.1759 of 2011, dated 21.02.2011, registered on the file of the Sub-Registrar, Omalur, in favour of one P.Venkatesan @ Sitheswaran, in respect of the said properties.

2-4.In the meantime, the petitioner has executed a registered Settlement Deed vide Doc.No.2652 of 2011 dated 14.03.2011 in favour of his daughter namely Mrs.Jagadeeshwari in respect of his properties, including the above said properties. The petitioner's daughter Maheswari and son Mohan have filed a suit for partition against the petitioner and the said Jagadeeswari and the same is pending on the file of the District Munsif Court, Omalur.

2-5.According to the petitioner, the said Meenakshi knowing fully well about the cancellation of Power of Attorney executed by the petitioner, has fraudulently executed a sale deed in favour of the said P.Venkatesan @ Sitheswaran and thereafter, some documents were executed in favour of the third parties, in respect of the subject properties.

2-6.It is further stated by the petitioner that the Inspector General of Registration (1<sup>st</sup> respondent herein) has issued a Circular No.67, dated 03.11.2011, prescribing some mandatory procedure to deal with the complaints relating to the fraudulent registrations. By the said Circular, the District Registrars have been directed to hold enquiry on the complaints and to pass orders.

2-7.In this regard, the petitioner has made a representation dated 25.01.2016 to the 2<sup>nd</sup> respondent to hold an enquiry and to pass orders to cancel the above said fraudulent sale deeds executed by the said Meenakshi, P.Venkatesan @ Sitheswaran, S.Ganesan and Jayanthi Ganesan, in respect of the petitioner's properties, as per the Circular No.67, dated 03.11.2011, issued by the 1<sup>st</sup> respondent. Since the petitioner's representation was not considered by the 2<sup>nd</sup> respondent, the petitioner has come forward with the present writ petition before this Court.

3.Heard both sides and perused the materials available on record.

4.Considering the limited scope of the prayer sought for in the writ petition, without expressing any opinion on the claim of the petitioner, this Court directs the 2<sup>nd</sup> respondent to consider the representation dated 25.01.2016 given by the petitioner, as per the Circular No.67, dated 03.11.2011, issued by the Inspector General of Registration, and pass appropriate orders, after affording opportunity of personal

hearing to the petitioner as well as to all other necessary parties, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of.

No costs.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssv

To

1. The Inspector General of Registration,  
O/o.Inspector General of Registration,  
No.100, Santhome High Road,  
Chennai-600 028.
2. The District Registrar,  
Office of the District Registrar,  
(Administration),  
Chamber No.3, Salem West,  
Salem District.
3. The Sub-Registrar,  
Office of Sub-Registrar,  
Omalur, Salem District.

+1cc to Mr.A.Nagarathinam, Advocate, S.R.No.12717  
+1cc to the Government Pleader, S.R.No.12518

PPA(CO)  
CA(18/03/2016)

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