

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 10.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.18846 of 2017**

Rajiah Nadar

... Petitioner

Vs.

1. The District Registrar (Admin),
District Registrar Office,
Palayamkottai, Tirunelveli District.

2. The Sub Registrar,
Sub Registrar Office,
Burkit Managaram,
Palayamkottai Registration District,
Tirunelveli District.

3. Anthony Doss

4. Nova Paramanantham

... Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 24.03.2017 so as to comply with the order passed by the first respondent vide proceedings in Na.Ka.3370/A4/2015 dated 12.03.2016 to cancel the entry of power of attorney deed No.15 of 1996 on the file of the second respondent, dated 18.04.1996 within a stipulated time.

For Petitioner : Mr.S.Sivasubramanian

For Respondents 1 and 2 : Mr.M.Alagathevan,
Special Government Pleader.

R3 and R4 - Dispensed with.

ORDER

This writ petition is filed seeking a writ of mandamus to direct the second respondent to cancel the entry of power of attorney deed No.15 of 1996, dated 18.04.1996 in the light of the order passed by the first respondent, vide proceedings in Na.Ka.3370/A4/2015, dated 12.03.2016, based on the representation of the petitioner, dated 24.03.2017, within the time stipulated by this Court.



2.Mr.M.Alagathevan, learned Special Government Pleader, takes notice for the respondents 1 and 2. In view of the nature of the relief sought for by the petitioner, notice to the respondents 3 and 4 is dispensed with.

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3.By consent of both the parties, this writ petition is taken up for hearing at the stage of admission itself.

4.Heard both sides.

5.The case of the petitioner is that his father, namely, Pol Packianathan was in possession and enjoyment of the property bearing Survey No.94/3, admeasuring 0.48.0 Hectares, situates in Palayam Chettikulam Village, Palayamkottai Taluk, Tirunelveli District and the same has been allotted by the Settlement Officer and Patta No.451 has also been issued in his favour. He died on 12.03.1971. According to the petitioner, the third respondent created a forged power of attorney deed dated 18.04.1996 in respect of the said property, as if the same has been executed by the father of the petitioner and on the strength of the same, the third respondent executed a sale deed bearing No.6366 of 1996 to the fourth respondent and the fourth respondent also got patta from the Tahsildar, Palayamkottai. On appeal, the Revenue Divisional Officer, Tirunelveli, cancelled the said patta and ordered to enter the name of the father of the petitioner. Against which, the fourth respondent filed a revision before the District Revenue Officer, Tirunelveli, wherein the District Revenue Officer set aside the order of the Revenue Divisional Officer and confirmed the orders of the Tahsildar. During pendency of the Revision, the petitioner submitted the order passed by the first respondent cancelling the forged documents registered by the third respondent and unfortunately the same was not noticed by the District Revenue Officer. Therefore, he sent a representation dated 24.03.2017 to the respondents 1 and 2 seeking to comply with the order passed by the first respondent, dated 12.03.2016. Since the same has not been considered so far, the petitioner is before this Court.

6.The learned counsel for the petitioner would submit that it would be suffice, if the representation of the petitioner dated 24.03.2017, is disposed of by the second respondent as per law.

7.Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the second respondent to consider the representation of the petitioner, dated 24.03.2017, in the light of the orders passed by the first respondent dated 12.03.2016, and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as any of the interested parties, within a period of six weeks from the date of receipt of a copy of this order. If any third party will be affected by the nature of the relief sought for by the petitioner or by any



order to be passed, the authority shall hear such person to avoid the allegations of violation of principles of natural justice.

8.The writ petition is disposed of as above. No costs.

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Sd/-

Assistant Registrar ()

/True Copy/

Sub Assistant Registrar

To

1. The District Registrar (Admin),
District Registrar Office,
Palayamkottai, Tirunelveli District.
2. The Sub Registrar,
Sub Registrar Office,
Burkit Managaram,
Palayamkottai Registration District,
Tirunelveli District.

+1cc to M/S.M.SATHIAMOORTHY, Advocate SR.No.82199.
The Special Government Pleader in SR.No.82326.

ORDER MADE IN
W.P (MD) No.18846 of 2017
10.10.2017

smn

SDS/SV:MMS/SAR 1/03.11.2017/3P/5C