



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.12.2017
CORAM:
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No 14305 of 2013 and
MP (MD) No. 1 of 2013

M.Syed Ali ... Petitioner
Vs.

1.The Inspector General of Registration,
Registration Department,
Santhome High Road, Chennai.

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

3.The Sub Registrar,
Sub Registrar Office,
Kulathur at Keeranur,
Pudukkottai District.

4.Gandhi

5.G.Latha ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to take immediate steps to prosecute criminal case against respondents 4 and 5 as provided under section 82 and 83 of the Registration Act, 1908.

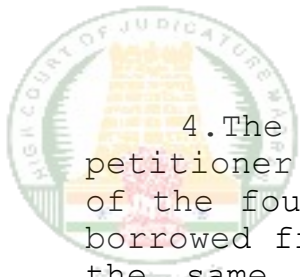
For Petitioner : Mr.V.Muthukamatchi
For Respondents 1 to 3: Mr.J.Gunaseelan Muthiah,
Government Advocate
For Respondent - 4 :Mr.K.Balasundaram
For Respondent - 5 :No appearance

ORDER

This writ petition has been filed, seeking a Writ of Mandamus, directing the respondents 1 to 3, to take immediate steps to prosecute criminal case against the respondents 4 and 5, as provided under section 82 and 83 of the Registration Act, 1908.

2.Heard both sides.

3.By consent, the writ petition is taken up for final disposal at the stage of admission itself.



4. The learned counsel for the petitioner would submit that the petitioner had executed a power of attorney on 19.09.2006 in favour of the fourth respondent, in respect of his property, for the loan borrowed from the fourth respondent and subsequently, after repaying the same, the petitioner cancelled the same on 27.03.2008 and intimated it to the fourth respondent. But, on 18.06.2008, the fourth respondent, suppressing the said cancellation of the power of attorney, had executed a registered sale deed on 18.06.2008, in favour of the fifth respondent. Hence, the petitioner sent a representation to the third respondent on 08.06.2013, to cancel the said registration. Though a reply was given by the third respondent, no orders were passed on his representation. Hence, the petitioner is before this Court.

5. Though several grounds are raised in the writ petition, now, the learned Counsel appearing for the petitioner prayed that it would suffice, to direct the third respondent to consider his representation, on merits.

6. It is seen that the petitioner has submitted his representation in the year 2008 and it is not known whether the relief sought for still subsists due to passage of time.

7. Under such circumstances and also considering the limited scope of the relief sought for, this writ petition is disposed of, directing the respondents 1 to 3, to consider the representation of the petitioner dated 08.06.2013 and pass appropriate orders, if not already passed, on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as all the interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, MP(MD) No.1 of 2013, is closed.

Sd/-

Assistant Registrar (CS-I)

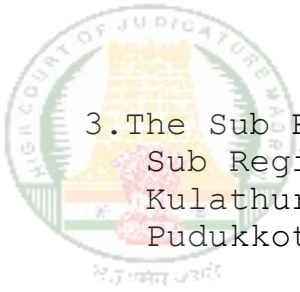
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Sub Assistant Registrar

To

1. The Inspector General of Registration,
Registration Department,
Santhome High Road,
Chennai.

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



3.The Sub Registrar,
Sub Registrar Office,
Kulathur at Keeranur,
Pudukkottai District.

+1cc to M/S.Special Government Pleader,SR. 93297

+1cc to Mr.K.K.RAMAKRISHNAN,Advocate,SR. 93491

+1cc to Mr.K.BAALASUNDHARAM,Advocate,SR.93077

W.P (MD) No.14305 of 2013
15.12.2017

DSK

KK/SKN RSK/SAR 2/08.01.2018/ 3P- 7C/