

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2018

CORAM

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.31568 and 31576 of 2018  
and  
W.M.P.No.36796 of 2018

T.P.Vijayasarathy ... Petitioner in both W.Ps.

versus

1. Inspector General of Registration,  
No.100, Santhome High Road,  
Chennai - 600 028.
2. The District Registrar,  
No.10, Kancheepuram Main Road,  
Chengalpattu - 603 002,  
Kanchipuram District.
3. The Sub Registrar,  
Sriperumbudur,  
Sriperumbudur Taluk,  
Kancheepuram District.
4. D.P.Vijayasarathy
5. S.Sivaramakrishnan
6. Gnanamoorthy
7. S.Komathi Nayagam ... Respondents in both W.Ps.

Prayer in W.P.No.31568 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the first to third respondents from registering, admitting or in any manner acting upon any testamentary and non-testamentary instruments, executed pursuant to the Power of Attorney dated 23.03.2018 registered as Document No.1068 of 2018 on the file of the third respondent with regard to vacant land measuring an extent of 0.68 acres comprised in Survey Nos.91/7 and 91/8 situated at Vanchuvancherry Village, Sriperumbudur Taluk, Kanchipuram District within the Registration District of Chengalpattu and Sub Registration

District of Sriperumbudur, pending the disposal of the enquiry under Section 80C, 82 and 83 of the Registration Act, 1908 read with Rule 183 of the Registration Rules.

Prayer in W.P.No.31576 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first to third respondents to conduct an enquiry, under Section 80C, 82 and 83 of the Registration Act, 1908 read with Rule 183 of the Registration Rules within two months, on the petitioner's representation dated 17.11.2018 for impersonation and fraudulent execution of the general power of attorney dated 23.03.2018 by the fifth to seventh respondents, with regard to vacant land measuring an extent of 0.68 acres comprised in Survey Nos.91/7 and 91/8 situated at Vanchuvancherry Village, Sriperumbudur Taluk, Kanchipuram District within the Registration District of Chengalpattu and Sub Registration District of Sriperumbudur.

For Petitioner in both W.Ps. : Mr.Sathish Parasaran,  
Senior Counsel  
for Mr.G.Vivekanand

For RR1 to 3 in both W.Ps. : Mr.T.M.Pappiah  
Special Government Pleader

#### C O M M O N O R D E R

The petitioner has filed W.P.No.31568 of 2018 seeking to forbear the respondents 1 to 3 from registering, admitting or in any manner acting upon any testamentary and non-testamentary instruments, executed pursuant to the Power of Attorney dated 23.03.2018 registered as Document No.1068 of 2018.

2. The petitioner also filed W.P.No.31576 of 2018 seeking a direction to the respondents 1 to 3 to conduct an enquiry, under Section 80C, 82 and 83 of the Registration Act, 1908 read with Rule 183 of the Registration Rules within two months, on the petitioner's representation dated 17.11.2018 for impersonation and fraudulent execution of the general power of attorney dated 23.03.2018 by the respondents 5 to 7, with regard to vacant land measuring an extent of 0.68 acres comprised in Survey Nos.91/7 and 91/8 situated at Vanchuvancherry Village, Sriperumbudur Taluk, Kanchipuram District within the Registration District of Chengalpattu and Sub Registration District of Sriperumbudur.

3. It is stated that the petitioner is a resident at No.22, Visweshwaran Street, Subbash Nagar, Chrompet, Chennai - 600 044 till the year 1989. Later, he moved out of Tamil Nadu. He had purchased the vacant land measuring 0.68 acres comprised in S.Nos.91/7 and 91/8 in Vanchuvancherry Village, Sriperumbudur Taluk, Kanchipuram District from one Saroja and Dilip Kumar on 27.03.1992 and got the same registered. Even mutation of revenue records had happened. One of the care takers of the petitioner is maintaining the lands.

4. It is now stated that one set of people visited the petition mentioned land for inspection for the purpose of financing the subject land to the proposed purchaser and they also had a copy of the Power of Attorney alleged to have been executed by the petitioner. Immediately, the petitioner had found that the Power of Attorney is forged one, as he had not executed any such Power of Attorney with regard to the subject land. A police complaint was also lodged through his counsel. Since certain transactions were attempted to be made with the forged documents, by impersonation, the prayer of the petitioner is to forbear the official respondents from registering, admitting or in any manner acting upon any testamentary and non-testamentary instruments, executed pursuant to the Power of Attorney dated 23.03.2018 registered as Document No.1068 of 2018. The petitioner also filed another writ petition seeking to direct the first to third respondents to conduct an enquiry under Section 80C, 82 and 83 of the Registration Act 1908 read with Rule 183 of the Registration Rules

5. Heard Mr.Sathish Parasaran, learned Senior Counsel appearing on behalf of the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents 1 to 3.

6. The learned Special Government Pleader appearing for the respondents 1 to 3 gave an undertaking that they will take up the enquiry and no transaction will be registered till the enquiry is concluded. The said submission is recorded.

7. Accordingly, the respondents 1 to 3 are directed to conduct an enquiry and pass orders on merits and in accordance with law, after issuing notice to the petitioner and the respondents 4 to 7 herein and also affording them an opportunity of personal hearing as well as any of the interested parties, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is given liberty to take any action that he may be advised as per law.

8. With the above directions, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

rsi  
To

1. Inspector General of Registration,  
No.100, Santhome High Road,  
Chennai - 600 028.

2. The District Registrar,  
No.10, Kancheepuram Main Road,  
Chengalpattu - 603 002,  
Kancheepuram District.

3. The Sub Registrar,  
Sriperumbadur,  
Sriperumbadur Taluk,  
Kancheepuram District.

+1cc to Mr.Anup Shah Law Firm, Advocate SR.No.82169

+1cc to Government Pleader SR.No.82934

W.P.Nos.31568 & 31576 of 2018  
and  
W.M.P.No.36796 of 2018

SV(CO)  
GMY(11/12/2018)

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