



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.7228 of 2020
and
WMP No.8653 of 2020

G.Nirmala

...Petitioner

-Vs-

1. The Principal Secretary to Government,
Commercial Taxes and Registration Department,
Fort St. George, Chennai 600 009.
2. The Inspector General of Registration,
100, Santhome High Road, Mylapore, Chennai 600 028.
3. The District Registrar (Admin)/AIG,
Chennai North, 1st Floor,
Kuralagam, Chennai 600 108.
4. The Sub Registrar of Assurances,
Sub Registrar Office, Redhills,
Chennai 600 052.
5. C.Rajasekar
6. S.Nirmala
7. P.Devaraj
8. Mohammed Afzal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent to conduct enquiry pursuant to the petitioner's representation dated 30.09.2018 and cancel the General Power of Attorney Deed dated 30.08.2018, bearing document number 7373/2018, on the file of SRO, Redhills.



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For Petitioner : M/s.S.Meenakshi

For Respondents : Mr.E.Balamurugan,
Special Government Pleader
for R1
Mr.T.M.Pappiah
Special Government Pleader
for R2 and R3.

O R D E R

This writ petition has been filed seeking for the issue of writ of mandamus directing the 3rd respondent to conduct an enquiry pursuant to the representation made by the petitioner on 30.09.2018 and to take action in accordance with law.

2. M/s.S.Meenakshi, learned counsel appearing for the petitioner submitted that the petitioner is the owner of the property by virtue of a registered Sale Deed dated 05.02.2003. The learned counsel further submitted that the 6th respondent had impersonated the petitioner and had created a forged and fabricated power of Attorney dated 10.09.2018 and has sold the property in favour of respondents 7 and 8 by two sale deeds dated 26.11.2019. The learned counsel further submitted that a police complaint has already been lodged and an FIR has been registered in Crime No. 40 of 2019 by the City Crime Branch and the investigation is pending. The learned counsel submitted that a representation has been made to respondents 2 and 3 seeking to take action against the private respondents and since the same did not evoke any response, the present writ petition has been filed before this Court.

3. Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the respondents 2 and 3 submitted that even though the 3rd respondent cannot cancel any document, action can always be initiated in accordance with Section 82 and 83 of the Registration Act. The learned counsel submitted that a direction can be issued to the 3rd respondent to consider the representation made by the petitioner since the 3rd respondent has already taken cognizance of the complaint and also issued notice as early as on 28.01.2020.

4. This Court has carefully considered the submissions made on either side and the materials available on record.

5. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in the above writ petition and in view of the



specific stand that has been taken on either side, there shall be a direction to the 3rd respondent to proceed further with the enquiry after issuing notice to all the parties concerned and deal with the same strictly in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of copy of this order.

6. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is also closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rka

To

1. The Principal Secretary to Government,
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W.P.No.7228 of 2020

VGII(CO)
RMP(13/07/2020)