

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.7942 of 2020

P.Narayanan

.. Petitioner

Vs

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

2.The Sub Registrar,
Alandur,
Chennai 600 016.

3.P.Avoодаиммай

(R3 is impleaded as per order dated 14.07.2020
in WMP No.11333 of 2020 by KRCBJ)

.. Respondents

Prayer ..:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondent to take suitable departmental or other action to the second respondent on the basis of the petitioner's representation dated 14.03.2020 within a stipulated time fixed by this Court.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.T.M.Pappiah for R1 and R2
Special Government Pleader
No Appearance for R3

O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. This writ petition is filed seeking for a mandamus to direct the 1st respondent to take suitable departmental or other action to the second respondent on the basis of the petitioner's representation dated 14.03.2020 within a stipulated time fixed by this Court.

3. Through the said representation, the petitioner seeks to set aside the registration of cancellation deed of power of attorney executed by the petitioner's mother P.Avoодаiammai.

4. When the writ petition was originally filed, the petitioner's mother was not impleaded as party respondent. Thereafter, the petitioner's mother was impleaded as party third respondent and notice sent to her privately was also served on her. However, she has not chosen to appear today, when the matter is called. Her name is printed in the causelist.

5. The case of the petitioner is as follows:

The petitioner is the son of the third respondent. On 31.12.2012, the third respondent executed a general power of attorney in favour of the petitioner in respect of the properties referred to therein by way of registered Document No.3725/2012. The said general power of attorney was subsequently cancelled by the third respondent on 20.04.2014 by way of registered Document No.1505/2015 on the file of the second respondent. The petitioner challenged the said cancellation in O.S.No.45 of 2016 on the file of the Principal District Munsif Court, Alandur, wherein a judgment and decree was passed on 05.03.2018, decreeing the suit as prayed for. However, the third respondent once again executed a cancellation deed on 04.07.2018 and registered the same before the second respondent as Document No.2869/2018, suppressing the fact that already the Civil Court has passed the decree in favour of the petitioner in respect of the earlier cancellation deed. Therefore, the petitioner presented a complaint before the first respondent against the second respondent for registering the document dated 04.07.2018, through his complaint dated 14.03.2020. The grievance of the petitioner is that the said representation has not been considered by the first respondent so far. Hence, the present writ petition is filed with the relief as stated supra.

6. Though this Court wanted to know the stand of the mother viz., the third respondent, she has not chosen to appear before this Court and express her stand. Considering the fact that the petitioner has approached the first respondent and made a complaint dated 14.03.2020 as discussed supra, this Court is of the view that it is for the first respondent to consider and pass orders on the said complaint, after hearing the petitioner and the third respondent, on merits and in accordance with law. It is made clear that this Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the first respondent to consider and decide. Accordingly, this writ petition is disposed of by directing the first respondent to consider the petitioner's

representation dated 14.03.2020 and pass orders on the same on merits and in accordance with law after hearing the petitioner and the third respondent. Such exercise shall be done by the first respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vri

To

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

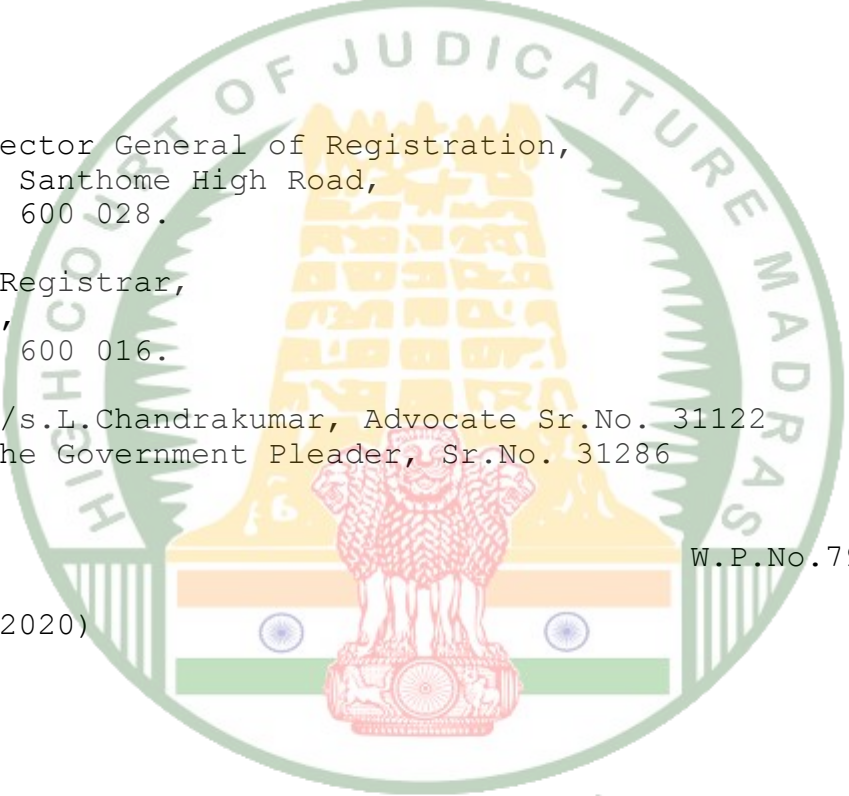
2.The Sub Registrar,
Alandur,
Chennai 600 016.

+1 cc to M/s.L.Chandrakumar, Advocate Sr.No. 31122

+1 cc to The Government Pleader, Sr.No. 31286

KJ(CO)
RMP(07/10/2020)

W.P.No.7942 of 2020



सत्यमेव जयते

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