



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.13742 of 2020

M.Muthulingam

...Petitioner

-Vs-

1.The District Registrar,
Ariyalur, Ariyalur District.

2.The Sub-Registrar,
Thuraiyur, Trichy District.

3.Muthaiah

4.Gunasekaran

5.Kannadasan

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the second respondent to register the document of power dated 12.08.2020 executed by the petitioner in favour of Arjunan and Bharath relating to the property in S.F.Nos.176/3 & 175/1B2 at Murugur Village, Thuraiyur Taluk, Trichy District.

For Petitioner : Mr.V.Singan
For R1 & R2 : Mr.K.Sathya Singh,
Additional Government Pleader.

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the second respondent to register the document of power dated 12.08.2020 executed by the petitioner in favour of Arjunan and Bharath relating to the property in S.F.Nos.176/3 & 175/1B2 at Murugur Village, Thuraiyur Taluk, Trichy District.

2.By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Mr.K.Sathya Singh, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2. Since no adverse order is going to be passed against the respondents 3 to 5, notice to them is dispensed with.



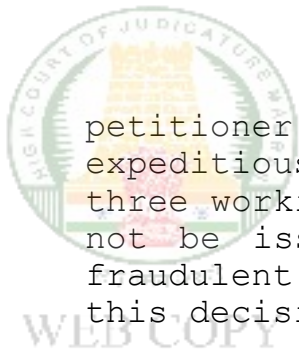
4. According to the petitioner, he is the owner of the property in S.F.Nos.176/3 & 175/1B2 situated at Murugur Village in Thuraiyur Taluk, Trichy District and he is in possession and enjoyment of the property. A Civil Suit in O.S.No.670 of 2008 on the file of the Sub Court, Thuraiyur is pending, wherein the petitioner is the defendant and the respondents 3 to 5 herein are the plaintiffs. As a Proprietor, the petitioner wanted to execute a Deed of General Power in favour of one Arjunan and Bharath under document dated 12.08.2020. However, the second respondent has refused to register the document on the ground of pendency of the suit. Hence, the petitioner has approached this Court by way of filing this Writ Petition.

5. The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the third respondent is the owner of the property and he is aged person. Therefore, he has given power to his son Gunasekaran / fourth respondent herein. Already, the suit for declaration is pending before the Sub Court, Thuraiyur. That apart, the said Mohanasundaram is the habitual offender and he used to create forged documents and against him, land grabbing case is also pending, in C.C.No.2 of 2014 on the file of the learned Judicial Magistrate-cum-Mahila Court, Trichy.

6. The learned counsel appearing for the petitioner submits that no Court is empowered to try land Grabbing cases.

7. Though the Hon'ble Supreme Court has stayed all proceedings before the Special Courts for Anti Land Grabbing Cases in Tamil Nadu, on account of constitution of the said Courts being challenged before the Apex Court, there is no bar for the regular Magistrate having ordinary jurisdiction to try these cases. Therefore, the concerned Jurisdictional Magistrate shall take up the matter and proceed with the same on day-to-day basis without adjourning it beyond 15 working days at any point of time and bring the issue to a logical end as expeditiously as possible. In case the Special Courts for Anti Land Grabbing Cases in Tamil Nadu are permitted to function in future by the Apex Court, consequent to which, if the present case is transferred to the Special Court, the aforesaid direction is to be adhered to by the Special Court.

8. This Court is not inclined to go into the contentions raised by the parties. The document produced by the petitioner which is enclosed at Page No.1 of the typed set of papers clearly shows that the said Mohanasundaram is the Power Agent of one T.K.Periyasamy and even the name S.Mohanasundaram appears to have been inserted and some other name has been erased. As there is a dispute and the civil suit is pending and the said Mohanasundaram is indulged in fraudulent activities by creating forged documents, this Court is not inclined to grant the relief sought for by the



petitioner herein. The Civil Court shall decide the matter as expeditiously as possible without adjourning the matter beyond three working days at any point of time. Though this direction need not be issued in a Writ Petition, taking note of the fact that fraudulent act appears to have been done by the said Mohansundaram, this decision may give a quietus to the parties concerned.

9. With this observation, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Myr

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Registrar,
Ariyalur, Ariyalur District.

2. The Sub-Registrar,
Thuraiyur, Trichy District.

+1 CC to SPL GP (SR-19299[F] dated 07/10/2020)

Order made in
W.P. (MD) No. 13742 of 2020
06.10.2020

VB (21.10.2020) 3P 4C