

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.4186 of 2021

1.N.Amudha
2.N.Arivazhagan

...Petitioners

-Vs-

1. The Director,
LNJN National Institute of Criminology
and Forensic Science, Ministry of Home Affairs,
Section - 03, Outer Ring Road,
New Delhi - 110085.
2. The Addl. Chief Secretary,
Dept. of Home, Govt. of Tamil Nadu,
Secretariat, St.George Fort,
Chennai - 600009.
3. The Addl. Chief Secretary,
Dept. of Revenue and Disastrous Management,
Secretariat, St.George Fort, Chennai - 600009.
4. The Principal Secretary,
Dept. of Commercial Tax, and Registration,
Secretariat, St. George Fort,
Chennai - 600009.
5. The Inspector General of Registration,
Office of the IG Registration, Tamil Nadu,
No.100, Santhome High Road,
Chennai - 600028.
6. The District Collector,
O/o. The District Collectorate,
Ranipet, Ranipet District.
7. The District Registrar (Admn.),
Registration District of Arakkonam,
Office of the District Registrar (Admn.)
Arakkonam, Ranipet District.
8. The Sub Registrar Joint - II,
Office of the Sub Registrar Joint - II,
Registration District of Arakkonam,

Arakkonam, Ranipet District.

9. The Tashildar,
Office of Tashildar, Arakkonam Taluk,
Arakkonam, Ranipet District.

10.C.Panneerselvam

...Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider petitioners representation dated 21.11.2020 and conduct enquiry in accordance with circular in Letter No.41530/U1/2017, dated 9.4.2018 issued by the 5th respondent and also to initiate criminal prosecution against the persons responsible for creation of fraudulent documents under section 83 of the Registration Act.

For Petitioner : Mr.S.Pushpakaran
For R5 : Mr.T.M.Pappiah
Special Government Pleader
For R6 & R9 : Mr.E.Balamurugan
Special Government Pleader

ORDER

The present petition is filed by the mother and son, who want the fifth respondent to hold an enquiry as to the fraudulent nature of a certain Power of Attorney executed by the second respondent in the name of the 10th respondent. On the strength of the Power of Attorney, the tenth respondent is appeared to have sold the properties to few third parties.

2.Mr.T.M.Pappiah, learned Special Government Pleader entered appearance for the fifth respondent and Mr.E.Balamurugan, learned Special Government Pleader entered appearance for respondents 6 and 9.

3.Mr.S.Pushpakaran, learned counsel for the petitioner made a statement that by virtue of the Power of Attorney, undivided property is being sold.

4.Mr.T.M.Pappiah, learned Special Government Pleader on the other hand would make a statement that no law bars from transacting the undivided share, in respect of immovable properties.

5.This Court finds merit in the submissions of the learned Special Government Pleader appearing for the Registration Department.

6.An undivided share of an immovable property can be sold and therefore, if the petitioner has any other grievance as to some other aspects of the Power of Attorney, he is at liberty to move the appropriate civil Court for appropriate remedies.

7.Subject to the above, the Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Tsg

To

1. The Director,
LNJN National Institute of Criminology
and Forensic Science,
Ministry of Home Affairs,
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Registration District of Arakkonam,
Arakkonam, Ranipet District.
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Office of Tashildar, Arakkonam Taluk,
Arakkonam, Ranipet District.

+1cc to Mr.S.Pushpakaran, Advocate, S.R.No.11862

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PMK (CO)
CS/24/03/2021



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