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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2021

CORAM

THE HONOURABLE MR. JUSTICE PARESH UPADHYAY
and
THE HONOURABLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

W.A.No.2835 of 2021

V.S.Prabhu

... Appellant

Vs.

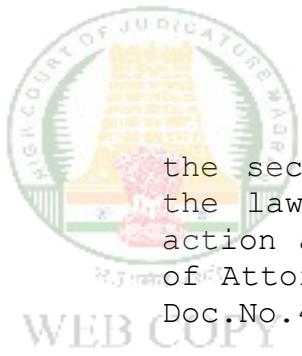
- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 28.
- 2.The District Registrar (Administration),
District Registrar Office,
Erode.
- 3.The Sub Registrar,
Avalpoondurai Sub Registrar Office,
Erode.
- 4.S.Shanmugavadivu
- 5.V.S.Sarveshkailasam
- 6.Chandrasekaran
- 7.S.N.Chidambaram
- 8.S.N.Subramaniam
- 9.Muniraj
- 10.V.K.Swaminathan

... Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 28.06.2021 made in W.P.No.8719 of 2020.

Prayer in W.P.No.8719 of 2020:

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records pertaining to the orders of the second respondent in Na.Ka.No.4571/A2/2019, dated 16.10.2019, and to quash the same as illegal, incompetent and consequently direct



the second respondent to conduct enquiry as contemplated under the law by adhering to Principles of Natural Justice and take action against the persons who executed and registered the Power of Attorney document in Doc.No.4861 of 2018 and the Sale Deed in Doc.No.4925 of 2018 as per the Registration Act, 1908.

For Appellant ..Mr.M.Guruprasad

For Respondents ..Mr.Richardson Wilson,
Addl. Govt. Pleader
for R1 to R3

JUDGMENT

(Delivered by PARESH UPADHYAY, J.)

Challenge in this appeal is made to the order dated 28 June 2021 in W.P.No.8719 of 2020. This appeal is by the original writ petitioner.

2. Learned advocate for the appellant has submitted that the application given to the District Registrar (second respondent) to hold enquiry was supported by the circulars of the Government and rejection thereof ought to have been interfered with by learned single Judge. It is submitted that dismissal of the writ petition has resulted in miscarriage of justice and therefore this appeal be entertained.

3. Having heard the learned advocate for the appellant and having considered the material on record, this Court finds that, on the basis of the material on record, learned single Judge has recorded finding in para 10. The said finding is inter alia based on satisfaction to the effect that "Therefore, the petitioner wants the second respondent District Registrar to conduct an enquiry against the respondents 4 to 8 and reject the alleged Power of Attorney as well as the consequential sale deed." We find that learned single Judge cannot said to have fallen in any error, by not interfering in the refusal by the State authorities to act upon the complaint of the present appellant, keeping in view the pendency of separate proceedings - both criminal and civil between the contesting parties, who are close relatives / separate branches of one family. This Court does not find any error on the face of record, which may call for any interference in an intra-court appeal.



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4. For the reasons recorded above, this writ appeal is dismissed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

mmi/4

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 28.
 2. The District Registrar (Administration),
District Registrar Office,
Erode.
 3. The Sub Registrar,
Avalpoondurai Sub Registrar Office,
Erode.
- +1cc to M/s.M.Guruprasad, Advocate Sr.61631

W.A.No.2835 of 2021

bp[col]
srg 15/12/2021