



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12880 of 2021

WEB COPY

M.K.Mohamed Ibrahim

...Petitioner

Vs.

1. The Deputy Inspector General of Registration,
Madurai Region,
Integrated Registration Office Complex,
Y.Othakkadai-625 107,
Madurai District.

2. The District Registrar (Administration),
Madurai North Registration District,
Integrated Registration Office Complex,
Y.Othakadai-625 107,
Madurai District.

3. The Sub Registrar,
Melur-Madurai North Sub-Registrar Office,
Melur, Madurai District.

4. S.Indira Gomathi,
Sub Registrar,
Melur-Madurai North Sub-Registrar Office,
Melur, Madurai District.

5. M.Parasakthi

6. A.Balavenkatesan

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to expedite action on the petitioner's complaint dated Nil, which is pending on the file of the second respondent in Na.Ka.No.5438/R2/2019-1, dated 12.02.2020 and pass final orders declaring the sale deed Doc No.1272/2019 dated 11.03.2019 executed by the fifth respondent in favour of her son i.e., 6th respondent, as a "fraudulent deed" and pass further orders in accordance with the Circular Letter No. 41530/U1/2017, dated 31.07.2018, issued by the I.G. of Registrations, Chennai, within a time limit to be fixed by this Court.

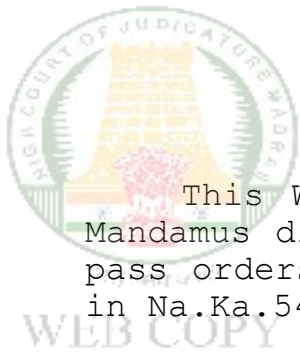
For Petitioner

For R-1 to R-3

: Mr.G.Rajaguru

: Mr..M.Lingadurai

Government Advocate



ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the second respondent to conduct the enquiry and pass orders based on the complaint given by the petitioner, pending in Na.Ka.5438/R2/2019-1, dated 12.02.2020.

2.The case of the petitioner is that he is the absolute owner of the subject properties, which was purchased by virtue of two registered sale deeds each dated 19.03.1997. According to the petitioner, he executed a General Power of Attorney, dated 20.02.2004, in favour of the fifth respondent and gave power to the fifth respondent to deal with the subject property.

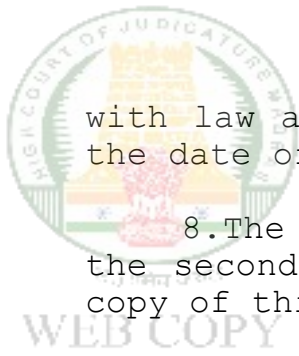
3.The petitioner has taken a very specific stand that the fifth respondent did not act upon the power of attorney document for nearly 12 years and therefore, the petitioner issued a notice to the fifth respondent and cancelled the power of attorney by virtue of a registered cancellation deed, dated 05.10.2016, which was registered as document No.3456/2016 on the file of the third respondent.

4.The grievance of the petitioner is that after the power of attorney document was cancelled, a bogus life certificate was made ready, dated 08.03.2019 and a fraudulent sale deed came to be executed by the fifth respondent in favour of the sixth respondent, on 11.03.2019 and the sixth respondent is none other than the son of the fifth respondent. It is further alleged that the document was under valued and the entire amount was misappropriated by the fifth respondent.

5.The petitioner, therefore, made a complaint before the second respondent and requested the second respondent to pass orders on the fraudulent transaction. The said complaint was taken on file by the second respondent in Na.Ka.No.5438/R2/2019-1, dated 12.02.2020. According to the petitioner, he has already given his statement along with all the relevant documents and the matter is kept pending for more than 1 ½ years. Left with no other alternative, the present writ petition has been filed before this Court, seeking for appropriate directions.

6.Heard Mr.C.Rajaguru, learned counsel for the petitioner and Mr.M.Lingadurai, learned Government Advocate for the respondents 1 to 3.

7.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the second respondent to proceed further with the enquiry in Na.Ka.No.5438/R2/2019-1, dated 12.02.2020, after affording opportunity to the petitioner and the respondents 5 and 6 and deal with the same on its own merits and in accordance



with law and pass final orders within a period of eight weeks from the date of receipt of a copy of this order.

8.The petitioner is directed to make a fresh representation to the second respondent along with all relevant documents and also a copy of this order.

9.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Deputy Inspector General of Registration,
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+1 CC to M/s.SPL GP (SR-24735[F] dated 30/07/2021)

W.P. (MD) .No.12880 of 2021

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