



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P (MD) No.12364 of 2021

K.Anandaraj

... Petitioner

Vs.

1.The District Registrar (Administration),
Tenkasi,

2.The Sub Registrar,
Surandai,
Tenkasi District.

3.Ragupathi Seenivasan

4.Rathidevi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to conclude the enquiry in Na.Ka.No.2518/Aa2/2019 and pass final orders holding that the general power of attorney dated 08.10.2018 bearing Document No.4462 of 2018, the sale agreement dated 31.10.2018 bearing Document No.4855 of 2018 and the same agreement cancellation deed dated 30.04.2019 bearing Document No.1436 of 2019 on the file of the second respondent are fraudulent and forged and consequentially, directing the second respondent to make an entry in his books about the nullity of those documents by within a time limit that may be stipulated by this Court.

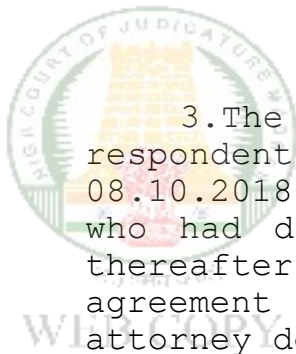
For Petitioner : Mr.T.R.Jeyapalam

For Respondents : Mr.Lingadurai,
Government Advocate for R1 & R2.

ORDER

This writ petition has been filed for the issue of a writ of Mandamus, directing the first respondent to conclude the enquiry in Na.Ka.No.2518/Aa2/2019, within the time limit fixed by this Court.

2.The case of the petitioner is that the subject property was settled in favour of his father by virtue of a registered release deed, dated 18.09.1984. Thereafter, patta was also issued in his favour. The father of the petitioner passed away, on 29.07.2006 leaving behind the petitioner, his mother, brothers and sisters.



3.The grievance of the petitioner is that the third and fourth respondents created a forged General Power of Attorney, on 08.10.2018, as if it was executed by the father of the petitioner, who had died as early as in the year 2006 itself. Immediately thereafter, the third respondent executed a registered sale agreement in favour of the fourth respondent by using the power of attorney document.

4.A police complaint came to be given and the District Crime Branch, Tirunelveli, registered an FIR in Crime No.10 of 2019 and investigation is pending. In the meantime, the sale agreement was cancelled by the fourth respondent, on 30.04.2019.

5.The petitioner submitted a complaint to the first respondent, on 03.06.2019 about the fraudulent transaction and the first respondent also issued notice and conducted enquiry. The grievance of the petitioner is that the first respondent has not passed any orders till date and hence, left with no other option, the present writ petition has been filed seeking for appropriate directions.

6.Heard Mr.T.R.Jeyapalam, learned counsel for the petitioner and Mr.M.Lingadurai, learned Government Advocate, appearing for the respondents 1 and 2.

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 first respondent to proceed further with the enquiry in Na.Ka.No.2518/Aa2/2019, after affording opportunity to the petitioner and respondents 3 and 4 and pass final orders, within a period of six weeks from the date of receipt of a copy of this order.

8.The petitioner is directed to make a fresh representation to the first 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 (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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, the copy of the order that is presented is the

<https://services.e-courts.gov.in/services/>



correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The District Registrar (Administration),
Tenkasi,

2.The Sub Registrar,
Surandai,
Tenkasi District.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-23432[F]dated 22/07/2021)

+1 CC to M/s.GP (SR-23717[F] dated 23/07/2021)

W.P (MD) No.12364 of 2021
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RD(2.08.2021) 3P 5C