



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2021

CORAM

**THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**W.P. (MD)No.14037 of 2021**

Kalimuthu @ Velusamy

... Petitioner

Vs.

1. The Inspector General of Registration,  
Registration Department,  
No.100, Santhom High Road,  
Chennai.
2. The Deputy Inspector General of Registration,  
Registration Department,  
Thirumohur Road, Y.Othakadai,  
Madurai.
3. The District Registrar (Adminsitration),  
Registration Department,  
Tirunelveli District, Tirunelveli.
4. The Sub Registrar,  
Sub Registrar Office,  
Uthumalai, V.K.Pudur Taluk,  
Tenkasi District.
5. S.Pandarakannu Thevar
6. A.Balamurugan

... Respondents

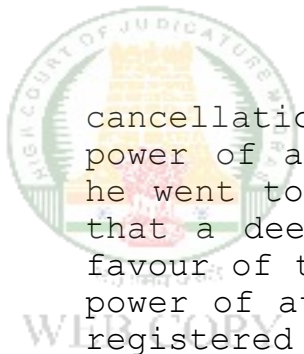
**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the Petitioner's representation, dated 15.07.2021, and conduct the enquiry and dispose the same in accordance with law in a speedymanner as early as possible.

|                 |                                |
|-----------------|--------------------------------|
| For Petitioner  | : Mr.M.Prabu                   |
| For Respondents | : Mr.P.Subbaraj,               |
|                 | Counsel for State for R1 to R4 |

**O R D E R**

The petitioner seeks an inquiry with regard to an allegedly fraudulent registration of a sale deed dated 25.10.2004.

2. The petitioner states that he executed a power of attorney in favour of the fifth respondent vide Document No.26/1995 before the Uthumalai Sub-Registrar office. Subsequently, by a registered



cancellation deed dated 02.03.1995 bearing Document No.35/1995 such power of attorney was cancelled. According to the petitioner, when he went to the Sub-Registrar's office on 27.02.2019, he discovered that a deed of conveyance was executed by the fifth respondent in favour of the sixth respondent subsequent to the cancellation of the power of attorney. Therefore he lodged a police complaint which was registered as Crime No.13/2020 against respondents 4 to 6 herein. In these circumstances, he states that he submitted a representation on 15.07.2021 seeking an inquiry into the fraudulent registration of Document No.1766/2004. The present writ petition is filed in the said facts and circumstances.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 4.

4. The allegation of the petitioner pertains to the registration of a sale deed in the year 2004 by making use of a power of attorney, which is said to have been cancelled on 02.03.1995. As such, *prima facie* the nature of fraud is such that it would be within the jurisdiction of the Registration Department to inquire into and decide the same on merits. Needless to say, such inquiry has to be conducted after providing a reasonable opportunity to the private respondents herein.

5. Accordingly, without going into the merits of the matter, the third respondent herein is directed to consider the petitioner's representation dated 15.07.2021 and conduct an inquiry on such basis, if deemed appropriate, after providing a reasonable opportunity to the petitioner, respondents 5 and 6 herein and any other person who would be affected by such decision. Such exercise shall be concluded within a period of three months from the date of receipt of a copy of this order. In view of the fact that the merits of the matter have not been gone into and because the third respondent is directed to hear the respondents 5 and 6 before passing orders, the writ petition is disposed of without notice to the private respondents.

6. Accordingly, W.P(MD).No.14037 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

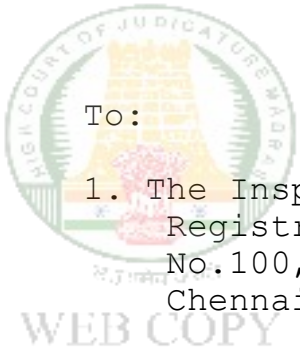
Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To:

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Tenkasi District.

+1 CC to M/s.GP ( SR-26066[F] dated 12/08/2021 )

W.P.(MD)No.14037 of 2021

**11.08.2021**

RK (23.08.2021) 3P 6C