



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.08.2021
CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

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W.P (MD)No.14842 of 2021

G.Thirumalaiselvi

... Petitioner

Vs.

1.The Inspector General of Registration,
No:100, Santhome High Road,
Mandavelipakkam, Annamalaipuram,
Chennai 600028.

2.The Deputy Inspector General of Registration,
Integrated Complex of Registration Department,
TNAU Nagar, Rajakampeeram, Y.Othakadai,
Madurai 625107.

3.The District Registrar,
Office of the District Registrar,
No:58/1, Kacheri Road,
Virudhunagar Town,
Virudhunagar District.

4.The Sub-Registrar,
Office of the Sub-Registrar,
Seithur, Rajapalayam Taluk,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to consider and pass orders on the representation of the petitioner dated 25.06.2021 within a stipulated time.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.R.Baskaran
Counsel for State,

ORDER

The petitioner seeks the disposal of the representation dated 25.06.2021, whereby the petitioner had requested the third respondent to conduct an inquiry into the registration of allegedly fraudulent documents.



2. The petitioner states that the property bearing Survey No.34/2B and 34/2C originally belonged to one Chidambaram Mudhaliyar, who died on 08.04.1994. According to the petitioner, the said Chidambaram Mudhaliyar had one son, namely, R.C.Palaniyappan and four daughters. The relevant legal heirship certificate is enclosed in support of such statement. The petitioner alleges that one C.Palaniyappan took advantage of the similarity of his name to that of the aforesaid R.C.Palaniyappan and fraudulently executed a registered power of attorney deed dated 01.10.2019 in favour of one Thirumalaiyappan. Pursuant thereto, it is alleged that the said Thirumalaiyappan executed two sale deeds bearing document Nos.1776 of 2020 and 1775 of 2020 in favour of his wife Mrs.Uma and one Gurusamy. In these facts and circumstances, the petitioner lodged a police complaint. In addition, the petitioner submitted a representation dated 25.06.2021 to the third respondent herein and requested for an inquiry in terms of 68(2) of the Registration Act 1908.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the third respondent may be directed to consider and dispose of the petitioner's representation on merits.

4. The grievance of the petitioner is in relation to the fraudulent execution and registration of a power of attorney dated 01.10.2019 bearing document No.2578/2019. The other grievances are consequential in as much as such power of attorney deed was allegedly used for the execution of deeds of conveyance of the property in question. Under Section 34 of the Registration Act 1908, one of the issues that a registration authority examines is the identity of the person executing the document which is submitted for registration. To that extent, *prima facie*, the petitioner's request for an inquiry is justified. It is a separate matter that registration authorities, as on date, do not have the power to cancel the registered document. Needless to say, before an inquiry on the petitioner's representation is concluded, all affected parties should be heard.

5. Subject to the aforesaid observations but without going into the merits of the matter, the third respondent herein is directed to consider the petitioner's representation dated 25.06.2021 and pass a reasoned order thereon after providing a reasonable opportunity to the petitioner, Mr.C.Palaniyappan, Mrs.Uma, Mr.Gurusamy, Mr.Thirumalaiyappan and any other person who may be affected by such decision. Such reasoned order shall be passed within a period of four months from the date of receipt of a copy of this order.



6. W.P.(MD).No.14842 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (Crl)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

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 Inspector General of Registration,
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Virudhunagar District.

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-27009[F]dated 23/08/2021)

+1 CC to M/s.GP (SR-27208[F] dated 25/08/2021)

W.P (MD) No.14842 of 2021
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