



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.14945 of 2021

and

W.M.P (MD) .No.11853 of 2021

WEB COPY

M.Bhuvaneswaran

... Petitioner

Vs.

The Sub Registrar,
Sub Registrar Office,
Melur, Tuticorin District.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents herein from in any way permitting further encumbrances by way of registration of Sale Deed, Power of Attorney, Mortgage Deed or in any other manner affecting the petitioner's right relates to the property situated in Plot no.127, to an extent of 21.21 Cents in Survey No.750/Part - approved plot in Ganesh Nagar, Ayan Meelavittan Village, Palayamkottai Road, Tuticorin Corporation based on his protest petition No.25 of 2021, dated 05.07.2021 on the file of the respondent.

For Petitioner	: Mr.N.Anandakumar
For Respondent	: Mr.R.Baskaran, Counsel for the State

O R D E R

The petitioner seeks to prevent the respondent from permitting any further encumbrances in respect of the property situated in Plot No.127, admeasuring 21.21 cents in Survey No.750/Part, Ganesh Nagar, Ayan Meelavittan Village, Tuticorin District.

2. The petitioner states that he executed a power of attorney in favour of one K.Ganapathi Pandian in respect of the aforesaid property . The said power of attorney was registered as Document no.1347 of 2019. According to the petitioner, this power of attorney was misused by the agent, who entered into a registered sale agreement bearing Document No.1828 of 2019 on 22.05.2019. The allegation of the petitioner is that the power of attorney was misused by obtaining a false life certificate. Subsequently, it is alleged that the agent, once again, without the knowledge of the petitioner executed a sale deed dated 14.08.2020, bearing Document No.2388 of 2020 in favour of one P.Shanmugadevi. The petitioner has



lodged the protest petition in these circumstances and seeks an inquiry thereon.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the respondent. He submits that the protest petition may be directed to be considered and disposed of merits.

4. Although the petitioner has prayed for restraining the respondent from permitting further encumbrances, the facts and circumstances do not justify such an order. The petitioner admittedly executed a power of attorney in favour of K.Ganapathi Pandian and such power of attorney was registered as Document No.1347 of 2019. Nevertheless, the petitioner has alleged that such power of attorney was subsequently misused by obtaining a false life certificate. *Prima facie*, this makes out a case for the conduct of an inquiry by the respondent inasmuch as the life certificate was the basis for using the power of attorney to register documents before the respondent.

5. Accordingly, the respondent herein is directed to consider the protest petition bearing No.25 of 2021, conduct an inquiry on such basis by providing a reasonable opportunity to the petitioner, K.Ganapathi Pandian, P.Shanmugadevi and any other person who would be affected by the outcome of such inquiry. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

6. W.P.(MD).No.14945 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P(MD).No.11853 of 2021 is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To:

The Sub Registrar,
Sub Registrar Office,
Melur, Tuticorin District.

+1 CC to M/s.GP (SR-27357[F] dated 26/08/2021)

W.P.(MD)No.14945 of 2021

25.08.2021

dj(CO)

TR(02.09.2021) 2P 3C

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