



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15678 of 2021

C.Angammal

... Petitioner

Vs.

1.The District Registrar, (Admn),
Combined Registration Department Office Complex,
Rajakambeeram,
Othakadai, Madurai-107.

2.The Sub Registrar,
Registration Department,
Vadipatti, Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents particularly the first respondent herein to dispose of the petitioner's representation dated 07.08.2021 submitted for taking appropriate action against the fraudsters for the fraudulent Registration of the documents pertaining to the petitioner's property comprised in Survey No.152/7 measuring about 1.49 Acres situated at Mattapparai Village, Nilakottai Taluk, Dindigul District in the light of the order dated 17.06.2021 passed in W.P.No.10177 of 2021 on the file of this Court and the consequent circular dated 09.07.2021 issued by the Registration Department within a time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi
For R-1 & R-2 : Mr.K.S.Selva Ganesan
Counsel for State

ORDER

The petitioner seeks an inquiry into the allegedly fraudulent registration of a power of attorney in favour of one Chennaiya Naicker.

2.The petitioner claims to be the owner of a property bearing Survey No.152/7 admeasuring about 1.49 Acres at Mattapparai Village, Nilakkottai Taluk, Dindigul District. The petitioner traces title to the said property through her father-in-law late Palaniyandi Thevar. According to the petitioner, a power of attorney deed dated 23.10.1987 was fabricated in favour of one Chennaiya Naicker. It is stated that the said document was registered by the second respondent under Document No.17/1987. The present Writ Petition is filed to consider and dispose of a representation dated 07.08.2021 in connection with the above mentioned allegedly fraudulent registration.



3.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of both the respondents.

4.The public law remedy under Article 226 of the Constitution is discretionary. While the periods of limitation specified in the schedule to the Limitation Act, 1963 are not applicable to such proceedings, laches is an important consideration while deciding whether to exercise or decline to exercise jurisdiction under Article 226. In the case at hand, the petitioner has approached this Court in August 2021 in relation to an allegedly fraudulent power of attorney deed dated 23.10.1987. The affidavit does not contain reasons to justify approaching the Court after so many decades. Merely because a representation was submitted on 07.08.2021, this Court is not excited to exercise discretionary jurisdiction.

5.For the reasons set out above, W.P.(MD).No.15678 of 2021 is dismissed without any order as to costs. The dismissal of the Writ Petition will not stand in the way of the petitioner availing of other remedies in accordance with law.

Sd/-

Assistant Registrar (Records)

// 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 District Registrar, (Admn),
Combined Registration Department Office Complex,
Rajakambeeram, Othakadai, Madurai-107.

2.The Sub Registrar,
Registration Department,
Vadipatti, Madurai.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-28456)

+1 CC to M/s.The Special Government Pleader (SR-28321)

W. P (MD) No.15678 of 2021

03.09.2021

RS (13.09.2021) 2P 5C

<https://hcservices.ecourts.gov.in/hcservices/>