



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.16910 of 2021

and

W.M.P(MD).No.13808 of 2021

WEB COPY

S.Renkanaayagi

... Petitioner

Vs.

- 1.The State ofTamil Nadu Represented by
The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar,
Mandavelipakka, Raja Annamalai Puram,
Chennai - 600 028.
- 2.The State of Tamil Nadu Represented by,
The District Collector,
Thanjavur District - 613 006.
- 3.The State of Tamil Nadu Represented by
The Deputy Inspector General of Registration,
Collector Office Campus,
Thanjavur District - 613 006.
- 4.The Distrct Registrar (Administration),
The office of District Registrar (Administration),
Collector Office Campus,
Thanjavur District - 613 006.
- 5.The District Registrar (Registration),
The Office of District Registrar,
Collector Office Campus,
Thanjavur District - 613 006.
- 6.The Sub-Registrar of Registration,
The Office of Sub-Registry,
Orathanadu Sub-Registry Office,
Orathanadu Taluk,
Thanjavur District.
- 7.The Thasildar,
Orathanadu Taluk Office,
Orathanadu Taluk,
Thanjavur District.



8.D.Subramanian

9.Radhika @ Karthika

10.K.J.Prakash

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fourth respondent to conduct an enquiry on the representation dated 07.09.2021 in the light of the circulars/letters No.41530/U1/2017 dated 20.10.2017, No.41530/U1/2017 dated 08.11.2017, No.41530/U1/2017 dated 31.07.2017, No.20217/U1/2017 dated 09.07.2021 of the first respondent in connection with document of two registered sale deeds dated 21.04.2009, vide Document No.716/2009 executed by one D.Subramanian/8th respondent in favour of his wife/9th respondent in relation to the properties comprised in punjai land S.F.No.31/9 to an extent of 0.08.0 ares = 20 cents, in S.F.No.31/10 to an extent of 0.07.0 ares =17 cents ie. Total cents of 37 situated at Poiundaarkottai Village, Orathanadu Taluk, Thanjavur District and comprised in punjai land S.F.No.173/3 to an extent of 0.20.05 ares=63 cents located at Vadakoor Therkusethi Village, Orathanadu Taluk, Thanjavur District ie., total extent of 100 cents and sale deed dated 02.09.2021 vide document No.1442/2021 executed by the 9th respondent in favour of the 10th respondent pursuant to the registered power of Attorney dated 09.06.2006 vide document No.717/2006 fraudulently obtained from the petitioner by the 8th respondent.

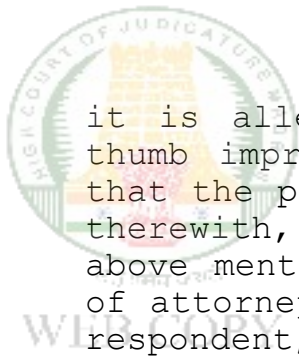
For Petitioner	: Mr.R.Suresh Kumar
For R1 to R7	: Mr.K.S.Selva Ganesan
	Counsel for State

ORDER

The petitioner seeks an inquiry on the basis of a representation dated 07.09.2021 in relation to the allegedly fraudulent registration of a power of attorney dated 09.06.2006 bearing Document No.717/2006 and a sale deed dated 20.04.2009 bearing Document No.716/2009.

2.The petitioner states that she is the owner of the properties bearing S.F.No.31/9 of an extent of 20 cents and S.F.No.31/10 of an extent of 17 cents at Poiundaarkottai Village, Orathanadu Taluk, Thanjavur District. The petitioner traces title to such property under a registered sale deed bearing Document No. 1340/1973 dated 26.04.1973.

3.The petitioner asserts that she is in possession and enjoyment of the said property pursuant to the said settlement deed. According to the petitioner, her husband borrowed a sum of Rs.50,000/- from his sister in the year 2004. In relation therewith,



it is alleged that the eighth respondent obtained her left hand thumb impression on certain documents. Subsequently, it is stated that the petitioner intended to avail of a bank loan. In connection therewith, the petitioner verified the documents relating to the above mentioned property and came to know that a registered power of attorney had been executed on 09.06.2006 in favour of the eighth respondent, bearing Document No.717/2006. Thereafter, the petitioner applied for an Encumbrance Certificate and came to know that sale deed dated 20.04.2009 was executed by the eighth respondent in favour of his wife, the ninth respondent. The present writ petition is filed seeking an inquiry into the above mentioned allegedly fraudulently registered documents.

4.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1 to 7.

5.The petitioner seeks an inquiry into the registration of a power of attorney dated 09.06.2006, bearing Document No.717 of 2006 and sale deed dated 20.04.2009, bearing Document No.716/2009. The petitioner has approached the Court in 2021 after submitting a representation dated 07.09.2021. Prior to that, a representation dated 24.07.2021 was submitted. While the periods of limitation specified in the Schedule of the Limitation Act, 1963 do not apply to proceedings under Article 226 of the Constitution of India, laches is an important consideration while deciding whether to exercise discretionary jurisdiction. As indicated above, the petitioner has approached the Court in 2021 seeking a direction for an inquiry in respect of documents executed in 2006 and 2009, respectively. The only explanation in such regard is that the petitioner came to know of the alleged fraud only in 2021. Such explanation is far from satisfactory. Therefore, the request for discretionary relief is rejected.

6.Consequently, W.P.(MD).No.16910 of 2021 is disposed of without any order as to costs. However, it will be open to the petitioner to institute proceedings to which limitation is not applicable or to pursue the representation made before the Registration Department. Consequently, W.M.P.(MD)No.13808 of 2021 is closed.

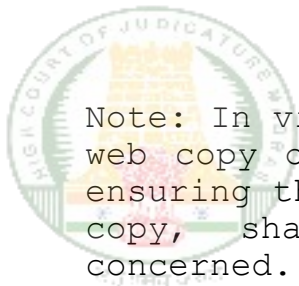
Sd/-

Assistant Registrar (AS)

// 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.

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To

- 1.The The Inspector General of Registration,
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Orathanadu Taluk,
Thanjavur District.
- 7.The Thasildar,
Orathanadu Taluk Office,
Orathanadu Taluk,
Thanjavur District.

+1 CC to M/s.R.SURESH KUMAR, Advocate (SR-29737[F] dated 21/09/2021)
+1 CC to M/s.SPL.GP (SR-29929[F] dated 22/09/2021)

W.P (MD) .No.16910 of 2021
21.09.2021

RS (29.09.2021) 4P 10C

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