



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) .No.18925 of 2021

R.Sangaiyan

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapackam,
Santhome,
Chennai - 28.

2.The District Registrar (Administration),
Registration Department,
Periyakulam Post,
Theni District.

3.The Sub Registrar,
Registration Department,
Theni Sub Registrar Office,
Theni Post,
Theni District.

4.R.Lakshmiammal

5.R.Susila

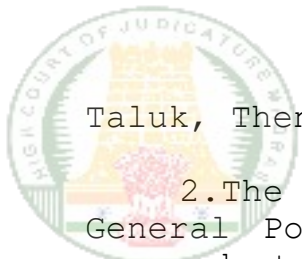
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the second respondent to dispose petitioner's appeal application No.3516/2021 dated 05.08.2021 seeking cancellation of sale deed No.5513/2019 dated 16.07.2019 and sale deed No.5583/2019 dated 18.07.2019 registered in the third respondent office in respect of petitioner's vacant land in Survey Nos.122/9 and 122/11 measuring an extent of 5240 Sq.ft (12 cents) situated in Tappukundu Village, Theni Taluk, Theni District in the light of first respondent circular Cr.No.41520/UI/2017 dated 08.11.2017, and u/s 68(2), 82, 83 of the Tamil Nadu Registration Act section by this Hon'ble Court.

For Petitioner	:	Mr.M.Karuppasamy Pandian
For R-1 to R-3	:	Mr.P.Subbaraj, Counsel for State.

ORDER

The petitioner seeks a direction to the second respondent to dispose of the appeal bearing No. 3516/2021 dated 05.08.2021 seeking cancellation of specific documents registered in the office of the third respondent in respect of the land bearing Survey Nos.122/9 and 122/11 of a total extent of 12 Cents at Tappukundu Village, Theni



Taluk, Theni District.

2.The petitioner states that he and his brother executed a General Power of Attorney in favour of their mother, the fourth respondent herein. According to the petitioner, such General Power of Attorney does not authorize the agent to execute a sale deed in respect of the land owned by the petitioner and his brother. In addition, the petitioner states that his brother died on 08.03.2019. The Death Certificate of his brother is enclosed in support of the said contention.

3.In these facts and circumstances, the petitioner states that the fourth respondent executed a sale deed on 16.07.2019 in favour of the fifth respondent. For such purpose, a fake Life Certificate dated 16.07.2019 was relied upon. Therefore, the petitioner presented an appeal before the second respondent on 05.08.2021. The early disposal of such appeal is prayed for herein.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. He submits that the second respondent may be directed to consider and dispose of the appeal after providing a reasonable opportunity to the fourth and fifth respondents herein.

5.The petitioner has enclosed a copy of the relevant Power of Attorney Deed dated 02.05.2005, the Death Certificate issued on 13.03.2019 and the allegedly forged Life Certificate as well as the impugned sale deed. On the basis of these documents, the petitioner has made out a case for the consideration of his appeal. However, it is not necessary to enter any findings on the merits for purposes of the present Writ Petition.

6.Accordingly, W.P.(MD).No.18925 of 2021 is disposed of by directing the second respondent to consider the petitioner's appeal dated 05.08.2021 and bearing No.3516/2021 within a period of three (3) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner and the private respondents herein. On account of the fact that the merits of the matter have not been gone into and because the second respondent has been directed to hear the fourth and fifth respondents before passing orders, the Writ Petition is disposed of without notice to the private respondents. There will be no order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



tsg/nsr/lm

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,
No.100, Santhome High Road,
Pattinapackam,
Santhome,
Chennai - 28.
- 2.The District Registrar (Administration),
Registration Department,
Periyakulam Post,
Theni District.
- 3.The Sub Registrar,
Registration Department,
Theni Sub Registrar Office,
Theni Post,
Theni District.

+1 CC to M/s.M.KARUPPASAMY PANDIAN, Advocate (SR-32755[F] dated 27/10/2021)

+1 CC to M/s.SPL.GP (SR-32851[F] dated 27/10/2021)

**W.P. (MD) .No.18925 of 2021
26.10.2021**

KMV (CO)

RS/UV (10.11.2021) 3P 6C