



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.19038 of 2021

K.Manonmani

... Petitioner

Vs.

1.The District Registrar,
(Administration),
Palani Registration District,
Palani,
Dindigul District.

2.The Sub Registrar,
Ottanchathiram,
Dindigul 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 first respondent to dispose of the petitioner's appeal in Na.Ka.No.2395/E1/2020 pending on the file of the first respondent to the cancellation of the fraudulent documents registered by the second respondent within the time stipulated fixed by this Court.

For Petitioner : Mr.R.Mathiyalagan

For Respondents : Mr.K.S.Selva Ganesan
Counsel for State

ORDER

The petitioner seeks the earlier disposal of the appeal bearing Na.Ka.No. 2395/E1/2020 pending on the file of the first respondent.

2.The petitioner states that her father, S.K.S.Kalimuthu Pillai, was allotted properties in Ottanchathiram Village under a partition deed dated 15.10.1948, bearing Document No.1223/1998. It is stated that the petitioner's father executed a general power of attorney in favour of one Kaliyappan dated 11.11.2005, bearing Document No.312/2005. The petitioner asserts that her father died on 07.01.2008. By suppressing his death, it is stated that the agent executed three sale deeds each dated 23.05.2008 by relying upon the power of attorney which had ceased to be in force on account of the death of the principal.



3. In these circumstances, the petitioner lodged a complaint before the District Crime Branch, Dindigul and also filed an appeal before the first respondent on 03.08.2020. The present writ petition is filed because the said appeal was not disposed of in spite of conducting an inquiry and in spite of the filing of written submissions by the petitioner.

4. Mr. K. S. Selva Ganesan, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the first respondent may be directed to consider and dispose of the pending appeal within a reasonable time frame after providing an opportunity to all the parties to the relevant impugned documents.

5. The petitioner has enclosed copies of the general power of attorney. A copy of the death certificate is enclosed. *Prima facie*, it appears that the petitioner's father died on 07.01.2008. Copies of the impugned documents dated 23.05.2008 are enclosed. On the basis of these documents, the petitioner is entitled to the consideration of thereafter appeal. As correctly indicated by learned counsel for the State, the parties to all the impugned documents should be provided a reasonable opportunity before any decision is taken.

6. Accordingly, W.P.(MD).No.19038 of 2020 is disposed of by directing the first respondent to consider the appeal bearing Na.Ka.No.2395/E1/2020 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 all the parties to each of the impugned documents. However, there will be no order as to costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

sn/sji

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,
(Administration),
Palani Registration District,
Palani,
Dindigul District.

2.The Sub Registrar,
Ottanchathiram,
Dindigul District.

+1 CC to M/s.SPL.GP (SR-33043[F] dated 28/10/2021)

W.P (MD) .No.19038 of 2021
27.10.2021

MGJ/PM(10.11.2021) 3P 4C