



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.22001 of 2021

and

W.M.P. (MD) No.18607 of 2021

WEB COPY

A.Sethupathi

... Petitioner

vs.

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai.

2.The District Registrar (Administration),
Registration Department,
Collectorate Campus, Dindigul.

3.The Sub Registrar,
Office of Sub Registrar,
Bathalagundu, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent herein to hold an enquiry regarding fraudulent registration in respect of lands in S.No.173, Chekkapatti Village, Nilakottai Taluk, Dindigul District covered under Document No.1436/1996, dated 16.08.1996 and take appropriate action in accordance with law to cancel the fraudulent registration of documents.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.D.Ghandiraj
Special Government Pleader

O R D E R

The petitioner claims that his friend, CR.Menon had given him power of attorney. The said CR.Menon had a property, measuring 4 acres, out of a larger extent of 11.10 acres in S.No.173, Sekkapatti Village, Nilakottai Taluk, Dindigul District.

2.The said friend, CR.Menon is said to be aged about 87 years, is a resident of Kadavanthara at Ernakulam, State of Kerala and it is also claimed that he is an Advocate. Being an Advocate, it appears that with respect to the said property, another power of attorney had been registered as if the said CR.Menon had executed a power of attorney to one P.T.Thomas S/o.Thomas, residing at 12.72, Krishnapuram Colony, Madurai. Subsequently, the said P.T.Thomas on the strength of the power of attorney had executed a sale deed with



respect to the said lands in favour of one P.Muthumanoharan and his family, who were said to be hailing from Bodi. This document was also registered. Thereafter, four further sale deeds have also been registered in the office of the third respondent/Sub Registrar, Bathalagundu in Dindigul District.

3.Heard the learned counsel for the petitioner and Mr.D.Ghandiraj, learned Special Government Pleader, accepts notice on behalf of all the respondents.

4.It is the contention of the learned Special Government Pleader, who pointed out the affidavit and stated that the names of various individuals had been given, namely, P.T.Thomas and Muthumanoharan and it would only be appropriate that the petitioner impleads the said individuals as respondents in the writ petition and thereafter orders may be passed.

5.However, it is claimed by Mr.V.R.Shanmuganathan, learned counsel for the petitioner that the said P.T.Thomas is actually a fictitious person, the address which had given is also a fictitious address and therefore, impleading the said P.T.Thomas would be of no avail, since notice can never be served on a fictitious person.

6.The petitioner, in his capacity as power of attorney of CR.Menon had given a representation on 23.08.2021 to the first respondent/Inspector General of Registration calling upon the first respondent to invoke the circular which provides for cancellation of fraudulent document. This is an issue, which is purely within the purview of the first respondent.

7.Let the first respondent examine the nature of the representation given by the petitioner herein, let him also examine the documents furnished by the petitioner, let him give a personal hearing to the petitioner, let him also issue notice to all concerned, particularly, to P.T.Thomas, whether he is fictitious or not fictitious, to Mr.P.Muthumanoharan of Bodi and also to all other purchasers and thereafter, take a considered decision either to act in accordance with the circular or not. The first respondent is under an obligation to examine the entire issues and pass necessary order either to the advantage of the writ petitioner or to the adverse interest of the writ petitioner, but at any rate, an order should be passed within a period of twelve weeks from the date of receipt of a copy of this order.

8.With the above observations, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj i

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



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,
Registration Department,
No.100, Santhome High Road,
Chennai.
- 2.The District Registrar (Administration),
Registration Department,
Collectorate Campus, Dindigul.
- 3.The Sub Registrar,
Office of Sub Registrar,
Bathalagundu, Dindigul District.

+1 CC to M/s.VR.SHANMUGANATHAN, Advocate (SR-38784[F] dated 15/12/2021)

+1 CC to M/s.SPL GP (SR-38860[F] dated 15/12/2021)

W.P. (MD) No.22001 of 2021
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MGJ(29.12.2021) 3P 6C