



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.20493 of 2013

and

W.M.P.No.1 of 2013

Thalamalai Venkatesan
Rep.by its Power Agent and
Wife Mrs.V.Kalaiselvi

... Petitioner

Vs.

1. The Inspector General of Registration,
O/o. The Inspector General of Registration,
Santhome, Chennai.
2. The District Registrar,
O/o. The District Registrar,
Round Road, Dindigul.
3. The Sub-Registrar-II,
Dindugal District,
Dindugal.
- 4.S.Sesuraj
- 5.M.Kalpana Devi
- 6.A.Marya Anandhi
- 7.N.Marival

(R4 to R7 were impleaded as per order dt.11.09.2013
in MP.2/13 in W.P.20493/13.)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to take the proceedings in Na.KA.3428/AA1/2012 dated 07.05.2013 pending before the second respondent to his file and dispose the same within a stipulated time may be fixed by this Hon'ble Court.

For Petitioner : Mr.P.Chandrasekaran

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the first respondent to take the proceedings in Na.KA.3428/AA1/2012, dated 07.05.2013, pending before the second respondent in his file and dispose of the same within the stipulated time that may be fixed by this Court.

2. The learned Special Government Pleader takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since no adverse order is being passed against the private respondents, notice to the private respondents is dispensed with.

4. The learned counsel appearing for the petitioner reported 'no instructions'. Considering the pendency of the case, this Court is passing order based on the available records.

5. The case of the petitioner is that the petitioner's husband Thalamalai Venkatesan is an Engineer working in Gulf country and residing at Petrofac International, Alsur Street, Sharja, U.A.E. The petitioner's native place is No.7, Malaiyandi Devar Street, 5th Ward, Building Society, Chinnamanur Town, Uthamapalayam Taluk, Theni District. The petitioner's co-brother, namely N.Marivel and sister Kalpana Devi used to approach the petitioner and her husband whenever they come to Chennai and informed them that property viz., at Dindugal bearing Survey No.79/9, an extent of 23899 sq.ft and 10209 sq.ft and its Patta No.89, situated at Kurumpapatti Village, Dindugal, is coming for sale. Believing the sugar coated words of co-brother and sister, the petitioner's husband executed a General power to Attorney in favour of M.Kalapana Devi before Notary Public One Siva Kumar, who is none other than brother of N.Marivel and also attesting witness by N.Marivel. Based on the above said General Power of Attorney, the petitioner's husband purchased 23899 sq.ft on 23.03.2007, vide Document No.1542 of 2007, in Book-1 on the file of the Sub Registrar, Joint-II, Dindugal. Thereafter, the petitioner and her husband came to know that the petitioner's brother and sister who is an advocate, played fraud on the petitioner, for which the petitioner cancelled the General Power of Attorney in favour of petitioner's co-brother and sister vide Document No.206 of 2010, on 01.03.2010. Thereafter, the petitioner made a General Power of Attorney, by virtue of Document No.24 of 2010, on 10.04.2010. The said N.Marivel and petitioner's husband's vendor Sesuraj also joined together and executed a Settlement Deed in favour of



his wife one M.Maria Anandhi for which they are not entitled to do. Further, they tried to encumber the property, for which the petitioner's husband filed a suit in O.S.No.292, on the file of the Additional District Munsiff, Dindugal of 2010, against the brother-in-law N.Marivel and petitioner's vendor Sesuraj and her sister Kalpana Devi. Thereafter, the petitioner issued a legal notice to the third respondent and since, there was no response he filed a complaint before the 2nd respondent/District Registrar, Dindugal and thereafter, the petitioner came to know that the District Registrar who was Sub Registrar Joint II, registered the document executed by the petitioner's vendor, brother-in-law and sister. While that being so, the 2nd respondent issued legal notice to call upon the petitioner to attend the enquiry on 12.07.2013. Aggrieved by the same, this writ petition is filed with the above said prayer.

6. The learned Special Government Pleader appearing on behalf of the official respondents submitted that based on the petitioner's complaint, enquiry will be conducted and appropriate orders will be passed by the second respondent. He further submitted that, earlier Sub Registrar, who was promoted as District Registrar is not continuing in the post and some other person has taken charge of the post and he will pass appropriate orders.

7. In view of the fair submissions made by the learned Special Government Pleader, the second respondent is directed to pass orders based on Na.Ka.No.3428/AA1/2012, dated 07.05.2013, after affording an opportunity of hearing to the aggrieved parties, if any, and also to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Psa

To

1. The Inspector General of Registration,
O/o. The Inspector General of Registration,
Santhome, Chennai.



2. The District Registrar,
O/o. The District Registrar,
Round Road, Dindigul.

3. The Sub-Registrar-II,
Dindugal District,
Dindugal.

+2ccs to Mr.P.Chandrasekaran, Advocate, S.R.No.16108
+1cc to the Government Pleader, S.R.No.16669

W.P. No.20493 of 2013
and
W.M.P.No.1 of 2013

RSI[co]
NSK 25/03/2022