



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.9973 OF 2010

AND

M.P.NO.1 OF 2010

V.Guruvaiya Naidu

...Petitioner

vs.

1. The Inspector General of
Registration,
No.100, Santhome High Road,
Chennai - 600 028.
2. The Sub Registrar,
Gudiyatham Sub Registrar Office,
Gudiyatham,
Vellore District.
3. K.Gnanasekar
4. Gnanavel
5. Suresh Kumar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondents to cancel the registration of the documents, namely, the Power of Attorney dated 11.01.2010 (Doc.No.12/2010), the sale deed dated 12.02.2010 (Doc.No.1124/2010) and the sale deed dated 22.03.2010 (Doc.No.2239/2010) on the file of the 2nd respondent office.

For Petitioner :Mr.V.M.G.Ramakkannan

For Respondents :Mr.Yogesh Kannadasan
Special Government Pleader [R1 & R2]
Mr.T.Dhanyakumar [R5]



ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus directing 1st and 2nd respondents to cancel the registration of the documents, namely, the Power of Attorney dated 11.01.2010 (Doc.No.12/2010), the sale deed dated 12.02.2010 (Doc.No.1124/2010) and the sale deed dated 22.03.2010 (Doc.No.2239/2010) on the file of the 2nd respondent office.

2. The case of the petitioner is that, the petitioner being the absolute owner of the property comprised in Survey No.269/2, admeasuring about 2886 Sq.ft. at Seevur Village, Gudiyatham Taluk, Vellore District, had sold an area of about 592 Sq ft under a sale deed dated 26.10.2009 in favour of one Kasinathan and the petitioner was in possession of the remaining portion of the property. The Respondents 3 & 4 having come to know the petitioner's proposal to sell the said property, frequently approached the petitioner for arranging good purchasers and having obtained the xerox copies of the title deeds of the land from the petitioners, said lands were sold in favour of the 5th respondent without the knowledge of the petitioner. Aggrieved by the same, the petitioner had approached the 2nd respondent to enquire with regard to the alleged sale of his lands, at which time, the petitioner came to know that the forged documents have been executed by way of impersonation, for which the power of attorney was executed in favour of the 3rd respondent herein. However, without verifying the signature of the petitioner, the 2nd respondent had registered the forged documents. Aggrieved by the same, the petitioner had approached the 1st respondent requesting for cancelling the registration of the forged documents. However, till date, the same has not been considered. Hence, the petitioner has come up with the present petition seeking the aforesaid relief.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court permits the petitioner to make a fresh application before the 2nd respondent to cancel the registration of the forged documents and the 2nd respondent may be directed to dispose of the same on merits within time stipulated by this Court.

4. The learned Special Government Pleader appearing for the respondents 1 & 2 fairly concedes that if the petitioner makes an application before the 2nd Respondent, said application will be considered and disposed of on merits, within a period of two weeks.

5. Heard the learned counsel on the either side and perused the materials available on record.



6. Upon perusal of the materials available on record and in view of the fair stand taken by the learned Special Government Pleader appearing for the respondents 1 & 2, this Court without going into the merits of the case, directs the petitioner to file a fresh application before the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the 2nd respondent is directed to consider and dispose of the same in terms of the Section 68(2) of the Registration Act, after affording an opportunity of personal hearing to the petitioner as well as the private respondents, within a period of ten weeks thereafter. There shall be an order of interim injunction for a period of 12 weeks till such time the respondents shall not dispossess the petitioner from his lands.

7. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rap/nhs

To:

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
2. The Sub Registrar,
Gudiyatham Sub Registrar Office,
Gudiyatham,
Vellore District.

+1cc to Mr.V.M.G.Ramakkannan, Advocate, S.R.No.10980
+1cc to the Government Pleader, S.R.No.12015

W.P.No.9973 of 2010
and
M.P.No.1 of 2010

KV(CO)
PM/18/03/2022