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W.P. Nos.17478 to 17483 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2022

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. Nos.17478 to 17483 of 2016

and

WMP Nos.14934 to 14939 of 2016

W.P.No.17478 of 2016

Tmt. Shanthi

... Petitioner

Vs

1. The Inspector General of Registration,
Santhome, Chennai.
2. The Sub Registrar,
Dharapuram,
Tiruppur District.
3. The Superintendent of Police,
Tiruppur.
4. The Deputy Superintendent of Police,
Dharapuram, Tiruppur District.
5. The Inspector of Police,
Dharapuram,
Tiruppur District.
6. Mr. C.K.Sevaraj
7. Mr.K.Vijayaraghavan

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8. Mr.N.Thangaraj

9. Tmt. C.Vidhya

... Respondents

Prayer in W.P.17478 of 2016 :-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to conduct enquiry related to the document NO.253/2006 at 28.08.2006 as per representation dated 13.04.2016 and also consequential direction to direct the respondents 1 to 5 to initiate appropriate criminal action against the respondents 6 to 9.

For petitioner
in all W.Ps.

... Mr. K.Rajendra Prasad

For respondents
in all W.Ps

... Mr. R. Vigneshwaran,
Government Advocate,
for R1 to R5

... Mr. C. Ramkumar,
for R6

... Mrs. Jasmine Padma,
for R7 to R9

COMMON ORDER

These writ petitions have been filed to direct the 2nd respondent to consider the petitioner's representations dated 13.04.2016 for cancellation of Power of Attorney, Mortgage Deed and Sale Deed said to have been executed by the petitioner's deceased husband in favour of the respondents 6 to 9.



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2. The grievance of the petitioner is that the respondents 6 to 9 created forged Power of Attorney, and Mortgage Deed and subsequently, created a sale deed as if the petitioner's deceased husband Shanmugavadivel have executed the same in favour of the respondents 6 to 9. To cancel the same, she has given representations before the respondents 1 and 2. But, that were not even considered so far. Hence, the writ petitions have been filed.

3. The learned counsel appearing for the respondents 1 and 2 submitted that now, as per the circular in Letter No.41530/U1/2017, dated 09.11.2018, issued by the Inspector General of Registration, the District Registrar is the competent authority and Sub-Registrar has no power to conduct enquiry. Hence, the petitioner may be directed to file necessary applications before the District Registrar.

4. The learned counsel appearing for the respondents 6 to 9 opposed the petitions and submitted that only the petitioner's deceased husband had executed a power of attorney, mortgage deed and sale deed. Now , after his death, it is not open to the petitioner to cancel said deeds.



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5. This Court considered the submissions made on either side and perused the materials available on records carefully.

6. The petitioner's grievance is that some documents alleged to have been forged by the respondents 6 to 9, for which, she has also made representations with the 2nd respondent , which are not considered so far. Considering the fact that, only the District Registrar is the competent authority to consider all those complaints, and 2nd respondent has no power, the prayer sought by the petitioner cannot be granted. However, the petitioner is permitted to submit a fresh representation before the District Registrar, Tiruppur, if she is so advised, within a period of two weeks from the date of receipt of a copy of this order. On filing such representations, the District Registrar, Tiruppur , is directed to conduct enquiry and pass suitable orders on merits and in accordance with law, preferably within a period of 3 months, thereafter , after giving opportunity to the petitioner as well as the respondents 6 to 9 .



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7. With the above directions, all the writ petitions are disposed of. No

costs. Consequently, connected miscellaneous petitions are closed.

22.02.2022

Index: Yes/ No

Speaking Order/Non-speaking Order
mrp

To

1. The Secretary to the Government Department
of Social Welfare & Nutritious Meal Scheme,
Secretariat,
Fort St. George,
Chennai 600 009.

2. The Director,
Directorate of Social Defence
No.300, Puraswalka High Road,
Kellys , Chennai 600 010.

3. The Director,
The Directorate of Social Welfare,
SIDCO Building,
Thiru. Vi.Ka. Industrial Estate,
Guindy, Chennai 600 032.

4. The Collector,
Collectorate,
Perambalur,
Perambalur District.

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V. BHARATHIDASAN, J.

mrp

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