IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 05.01.2022

Orders Pronounced on: 12.01.2022

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.19204 of 2021
and
W.M.P.Nos.20496, 20498 and 20502 of 2021

S.Sangeetha ... Petitioner

Vs.

1. The Deputy Inspector General,
South Zone, Department of Registration,
Chennai.

2. The District Registrar (Admin)
South Chennai.

3. The Sub Registrar - Tambaram
Sub Registrar Office
Tambaram.

4.Archana Reddy ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records with regard to the 1st respondent order in No.430/M1/2021 dated 04.08.2021 and quash the same as illegal and invalid and consequently direct the 3rd respondent not to initiate any proceeding under Section 83 of the Registration Act, 1908 as directed under Order dated 26.07.2018 in No.4876/E2/2012 by the 2nd respondent.

For Petitioner : Mr.V.Ayyadurai
Senior Counsel
for Mr.M.Velmurugan

For R1 to R3 : Mr.R.Shanmugasundaram
Advocate General
for Mr.Yogesh Kannadasan
Special Government Pleader

For R4 : Mr.Vijay Narayan
Senior Counsel
for Mr.Ravi Meenakshisundaram

ORDER

This writ petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records with regard to the 1st respondent order in No.430/M1/2021 dated 04.08.2021 and quash the same as illegal and invalid and consequently, direct the 3rd respondent not to initiate any proceeding under Section 83 of the Registration Act, 1908 as directed under order dated 26.07.2018 in No.4876/E2/2012 by the 2nd respondent.

2. The case of the petitioner is that the petitioner's mother owned property comprised in S.No.756/1 (present S.No.756/32) ad-measuring one ground and 558 Sq.ft., situated at No.10, Gandhi Nagar, Madambakkam, ALS Main Road, Tambaram. The said property was conveyed by the petitioner's father's brother in favour of her mother by the registered Sale Deed dated 08.02.2005 vide Document No.817 of 2005 for the valid sale consideration. The petitioner's mother was issued patta under Patta No.5353 and all the revenue records were mutated in her favour. The petitioner's father's brother K.N.Reddy executed a General Power of Attorney dated 12.09.1997 registered vide Document No.1146/1997 in favour of the petitioner's mother as his agent in order to secure loan from bank by pledging the aforesaid property, which was originally owned by him.

3. Thereafter, the petitioner's mother executed a deed of simple mortgage dated 23.10.1997 in favour of Chrompet Saswatha Nidhi Limited and obtained loan of Rs.3,25,000/-. Later, the entire loan amount was repaid and the said mortgage was redeemed by the petitioner's mother. The wife and children of the petitioner's father's brother K.N.Reddy had deserted him and as such, he was in custody and care of the petitioner's father and mother. After purchase of the subject property, the petitioner's mother again obtained loan from TATA Capital Financial Services by executing memorandum for deposit of title deed dated 29.12.2017 registered vide Document No.04 of 2018. The said K.N.Reddy died on 10.09.2017 at the residence of the petitioner.

4. While being so, after demise of the said K.N.Reddy, the 4th respondent, who is the daughter of the said K.N.Reddy lodged complaint before the Inspector General of Registration, Chennai, alleging that as per the General Power of Attorney executed in favour of the petitioner's mother, she executed the deed of mortgage in favour of Chrompet Saswatha Nidhi Limited for obtaining loan fraudulently by forging the signature of the 4th respondent's father viz., K.N.Reddy. It was enquired by the 2nd respondent and the petitioner's mother was issued notice and she filed her reply before the 2nd respondent. Even, execution of sale deed in favour of the petitioner's mother in respect of the other property was also bequeathed by the said K.N.Reddy in

favour of the petitioner's family members by the registered Will dated 18.05.2005 vide Document No.56 of 2005. After considering the reply submitted by the petitioner's mother, the 2nd respondent by an order dated 26.07.2018 directed the 3rd respondent to initiate action under Section 83 of the Registration Act, 1908 (hereinafter referred to as the 'Act' for short) for prosecution.

5. Aggrieved by the same, the 4th respondent preferred an appeal before the 1st respondent on 27.01.2021. On receipt of the same, the 1st respondent issued notice to the petitioner's mother and she appeared in person before the 1st respondent and filed her reply on 15.03.2021. While pending the appeal, the petitioner's mother died on 25.04.2021. The 1st respondent without providing any opportunity to the legal heirs of the deceased petitioner's mother to contest the matter, in their absence passed the impugned order dated 04.08.2021. It is under challenge in this writ petition.

6. The learned Senior Counsel appearing for the petitioner raised grounds on three folds:-

- Firstly, the appeal filed by the 4th respondent itself is not maintainable and it was clearly barred by limitation since it was filed beyond the period of 60 days. Only by virtue of Circular dated 31.07.2018, the 4th respondent can file appeal as against the order dated 26.07.2018 passed by the 2nd respondent. Accordingly, the 4th respondent shall have to file appeal within a period of 60 days from the date of receipt of the order passed by the 2nd respondent herein. However, the 4th respondent filed appeal only on 27.01.2021 with a delay of more than 1100 days. Though the 4th respondent filed appeal with condone delay petition, in the said condone delay petition, no order was passed by the 1st respondent and no notice was ordered to the petitioner's mother. Therefore, the 1st respondent ought not to have taken the appeal on file, since it was clearly barred by limitation. In support of his contention, he relied upon the judgement of the Hon'ble Supreme Court of India in Ganesan v. Commissioner, Tamil Nadu Hindu Religious and Charitable Endowments Board reported in 2019 (3) CTC 469.

- Secondly, the order impugned in this writ petition was passed against the death person viz., the petitioner's mother. On receipt of notice from the 1st respondent, the petitioner's mother appeared in person before the 1st respondent on 09.02.2021 and received the copy of complaint and sought time to file her reply. Again, on 15.03.2021 she appeared before the 1st respondent and filed her reply. Thereafter, she died on 25.04.2021. After death of the petitioner's mother viz., the respondent in the appeal filed by the 4th respondent herein, the 1st respondent had sent the original Sale Deed dated 08.02.2005 registered vide Document No.817 of 2005 and a copy of the Will dated 18.05.2005 registered vide Document No.56 of 2005 along with other documents for expert opinion to the Forensic Science Department. The 1st respondent received report from the Forensic Science Department dated 22.07.2021, without giving opportunity of hearing to the legal heirs of the deceased petitioner's mother and without even furnishing the copy of the Forensic Science Department's report, passed the impugned order dated 04.08.2021. The Forensic Science Department's report is not a conclusive evidence to decide the appeal. That apart, the 1st respondent failed to examine any of the witnesses to the documents and passed the impugned order. In support of his contention, he relied upon the judgement of the Hon'ble Supreme Court of India in Kamal Krishnan Rastogi v. State of Bihar reported in (2008) 15 SCC 105.

- Thirdly, the learned Senior Counsel appearing for the petitioner contended that the 1st respondent without even applying mind, passed the impugned order as to presumption and relevant provisions of the Registration Act, 1908. The said K.N.Reddy executed a General Power of Attorney in favour of the petitioner's mother dated 12.09.1997 registered vide Document No.1146/1997. He executed a deed of simple mortgage dated 23.10.1997 through his power holder in favour of Chrompet Saswatha Nidhi Limited and obtained loan of Rs.3,25,000/-. Thereafter, the entire loan was repaid and the said mortgage was redeemed by the petitioner's mother. During the year 1997, the principal himself can execute power of attorney without the presence of power holder. Therefore, at the time of execution of power of attorney, the petitioner's mother was not present and in the power of attorney, she was wrongly mentioned as wife of K.N.Reddy viz., the principal. Thereafter, on 08.02.2005 the said K.N.Reddy executed sale deed in favour of the petitioner's mother. By virtue of amendment from the year 2003, the vendor and the purchaser shall have to be present for registration of any deed of conveyance. Accordingly, the petitioner's mother was very much present at the time of execution of sale deed in favour of her by the said K.N.Reddy. In the sale deed, the petitioner's mother's name rightly mentioned as wife of K.K.Reddy. Without considering the same, only on receipt of the report from the Forensic Science Department that too without giving opportunity of hearing to the legal heirs of the deceased petitioner's mother, the 1st respondent passed the impugned order. The 1st respondent also failed to examine any of the witnesses to the sale deed dated 08.02.2005 and concluded that the said sale deed was forged one and impersonated the 4th respondent's father. In support of his contention, he relied upon the judgement of the Hon'ble Supreme Court of India in Satya Pal Anand v. State of M.P., reported in (2016) 10 SCC 767 and the judgement of this Court in S.Kanniammal @ Mangai v. The State of Tamil Nadu reported in (2021) 8 MLJ 409.

7. Per contra, the 1st respondent filed counter dated 01.11.2021 and the learned Advocate General appearing for the 1st to 3rd respondents submitted that though the petitioner raised various grounds against the Circular dated 31.07.2018 issued by the Inspector General of Registration, Chennai, the same is not under challenge in this writ petition. The 1st respondent never ordered to cancel the Sale Deed and the Will executed by the 4th respondent's father. The 1st respondent ordered to add a note in index II that sale deed is found to be fraudulently registered by impersonating the executant and both the Sale Deed and Will shall not be acted upon as a parent document for any further registration, since the same have been found to be fraudulently registered. Even before the order passed by the 2nd respondent, on the complaint lodged by the 4th respondent, the Inspector of Police, CCB-II Police Station, Chennai, had registered the FIR in Crime No.145 of 2018 for the offences under Sections 419, 420, 465, 468 and 471 of IPC r/w Section 34 of IPC and under Section 83 of Registration Act, 1908.

8. Now, the investigation completed and charge sheet has also been filed in Crime No.145 of 2018. Subsequent to the direction issued by the 1st respondent as per the Circular dated 31.07.2018, directed the 3rd respondent to lodge police complaints as against fraudsters in respect of the Sale Deed and the Will executed in favour of the petitioner's mother. Accordingly, the FIR has been registered in Crime No.226 of 2021 on the file of the Inspector of Police, Selaiyur Police Station. In fact, aggrieved by the same, the accused persons have filed quash petition in Crl.O.P.No.1091 of 2021 and it is pending before this Court.

9. He further submitted that even the 2nd respondent by an order dated 26.07.2018 concluded that in Sale Deed dated 08.02.2005 mentioned the husband name of the Sarala Reddy as K.K.Reddy. However, in the power of attorney, the husband name of the said Sarala Reddy mentioned as K.N.Reddy. The power of attorney and the mortgage deed executed by the said Sarala Reddy in which her husband K.K.Reddy stood as witness. It clearly shows that the said K.N.Reddy was impersonated and his signature was forged by the said Sarala Reddy. Further, concluded that on verification of the pension payment order, the wife of the said

K.N.Reddy mentioned as Ranee Reddy. On furnishing wrong details by the said Sarala Reddy, the power of attorney was executed in favour of her, as if she is the wife of the said K.N.Reddy. Therefore, directed the 3rd respondent to conduct enquiry under Section 83 of the Act.

10. He further submitted that the 4th respondent filed a petition to condone the delay on 28.01.2021 before the Inspector General of Registration and she stated that she identified frauds and impersonation at the time of registering the Sale Deed and the Will. Further stated that the District Registrar, who conducted the investigation, was the Sub-Registrar in Tambaram in the year 2005, where the Sale Deed and the Will were registered in favour of the petitioner's mother. Hence, the District Registrar was conflicted while passing the order dated 26.07.2018, as she was sitting in judgement over an action, she herself has taken. Therefore, in accordance with second limb of the Rules of natural justice which states that no one shall be a judge in their own cause, which is an elementary principle in administrative law and in this event, the District Registrar ought to have reclused herself from the case and handed over this investigation to a neutral and non-conflicted official.

11. He further submitted that the fraud vitiates every action and cannot be kept under the carpet on the ground that the action challenged was belated. More so, when there was a reasonable explanation for such delay, the sufficient cause must receive a liberal construction so as to advance substantial justice. Accordingly, the 1st respondent was directed by the Inspector General of Registration to review the application by the communication dated 03.03.2021 and the delay was overruled and the appeal petition was taken for enquiry. In fact, the petitioner's mother was appeared through her counsel and never objected with regards to condone delay. Only after filing the written submissions, the petitioner's mother died on 25.04.2021. Therefore, the sufficient opportunity was given to her and only thereafter, the 1st respondent passed order on receipt of the report from the Forensic Science Department.

12. The 4th respondent filed counter affidavit and learned Senior Counsel appearing for the 4th respondent submitted that the 4th respondent's father engaged the petitioner's family as caretakers in the subject property. Utilising the said circumstances, they engaged in various illegal acts of impersonation in mortgage the documents forging the 4th respondent's father's signature by Sale Deed and Will and fraudulently registering these documents and illegally claiming ownership over the subject property. It is clearly evident from the witnesses in those documents by K.K.Reddy, who is none other than the father of the petitioner herein and husband of the said

Sarala Reddy. In fact, in the Sale Deed the PAN number of K.N.Reddy had shown as Sarala Reddy's PAN number. The findings and reports of the Forensic Science Department clearly shows that the 4th respondent's father was impersonated and his signatures were forged in the Sale Deed and the Will by the said Sarala Reddy. The petitioner's mother started impersonating as wife of said K.N.Reddy and her husband signed as witness to this impersonation. Therefore, the 1st respondent had sent for the expert opinion with regards to the Sale Deed and Will along with other admitted signatures. The forensics report issued by the Forensic Science Department, Government of Tamil Nadu, dated 22.07.2021 and found that the said K.N.Reddy was impersonated and his signatures were forged.

13. It is also evident from the passport of the petitioner's mother by identifying herself as Smt.Kadiri Narasimha Sarala Reddy wife of K.N.Reddy. Therefore, the 4th respondent lodged complaint and it was registered in Crime No.226 of 2021 dated 04.04.2021 and it is under investigation. In the mortgage deed dated 23.10.1997 executed in favour of Chrompet Saswatha Nidhi Limited also stated that the said Sarala Reddy wife of K.N.Reddy, in which also the petitioner's father K.K.Reddy signed as witness. The 1st respondent on receipt of the Forensic Science Department's report and found that prima facie case is made out for lodging the complaint. Accordingly, the 1st respondent directed the 3rd respondent to lodge complaint for the impersonation as well as the forgery committed by the accused persons. Therefore, there is no question of opportunity of hearing on the report received from the Forensic Science Department to the said Sarala Reddy. In so far as the delay is concerned, on consideration of the veracity of the present proceedings, the 1st respondent condoned the delay in filing appeal and passed the order.

14. Heard Mr.V.Ayyadurai, learned Senior Counsel for the petitioner, Mr.R.Shanmugasundaram, learned Advocate General for the 1st to 3rd respondents and Mr.Vijay Narayan, learned Senior Counsel for the 4th respondent and perused the materials placed on record, apart from the pleadings of the parties.

15. The petitioner's father and the 4th respondent's father are brothers. The 4th respondent's father and her mother had matrimonial issues and as a consequence, they lived separately. The 4th respondent and her brother were not living with their father till his demise in the year 2017. It is true that the 4th respondent's father executed a General Power of Attorney on 12.09.1997 in favour of the petitioner's mother registered vide Document No.1146/1997 in which mentioned that the petitioner's mother as wife of K.N.Reddy viz., father of the 4th respondent herein.

16. In pursuant to the General Power of Attorney, the petitioner's mother executed the deed of simple mortgage dated 23.10.1997 in favour of Chrompet Saswatha Nidhi Limited and obtained loan to the tune of Rs.3,25,000/-. Later, the said mortgage was cancelled after due payment of the said loan and redeemed the property. Thereafter, the subject property was purchased by the petitioner's mother by the Sale Deed dated 08.02.2005 registered vide Document No.817 of 2005. The petitioner's mother also obtained loan from TATA Capital Financial Services, which was a credit facility for a sum of Rs.33,40,000/- by execution of deposit of title deed dated 29.12.2017 registered vide Document No.4 of 2018.

17. Thereafter, the 4th respondent's father died on 10.09.2017. After his demise, the 4th respondent lodged complaint on 02.04.2018 alleging that the General Power of Attorney viz., the petitioner's mother obtained loan by fraud and impersonated her father. On receipt of the same, the 2nd respondent conducted enquiry and passed order on 26.07.2018 thereby, directed the parties to approach the Civil Court for appropriate relief in respect of their title over the property and also concluded that the genuineness of the Sale Deed was not decided. Aggrieved by the same, the 4th respondent filed appeal before the Inspector General of Registration, Chennai on 27.01.2021. Admittedly, it was filed belatedly after a period of 1100 days from the date of the order passed by the 2nd respondent.

18. On perusal of the documents revealed that thereafter on 28.01.2021, the 4th respondent filed a petition to condone the delay in filing the appeal. However, without passing any order on the condone delay petition, the Inspector General of Registration, Chennai by the letter dated 03.03.2021 directed the 1st respondent to conduct enquiry as contemplated under Section 68(2) of the Act and pass orders. Whereas, the 1st respondent issued notice, even before the communication received from the Inspector General of Registration for the enquiry to be held on 09.02.2021 to the petitioner's mother and the 4th respondent herein. On receipt of the same, the 4th respondent had appeared on 09.02.2021 and submitted her written submissions. However, the petitioner's mother had appeared on 09.02.2021 and sought for 15 days time and as such, the enquiry was adjourned to 09.03.2021. Again on 09.03.2021 she was not appeared and adjourned to 15.03.2021 and again, adjourned to 29.03.2021 and on the day, the petitioner's mother was appeared and submitted her written submissions. However, she sought time for submitting documents.

19. Thus, it is clear that even before forwarding the appeal by the Inspector General of Registration, the 1st respondent issued notice to the petitioner's mother and the 4th

respondent for enquiry. It shows that the 4th respondent separately filed petition to condone the delay before the Inspector General of Registration in which no notice has been issued and no order has been passed either by the Inspector General of Registration or by the 1st respondent herein. That apart, nowhere even whispered about the condone delay petition in the order impugned in this writ petition.

20. The learned Senior Counsel appearing for the petitioner vehemently contended that the Inspector General of Registration or the 1st respondent herein has no power to condone the delay and they have no jurisdiction to entertain the appeal beyond the period of 60 days from the date of the order passed by the District Registrar by way of appeal or revision. Even assuming that they have power to condone the delay, no order has been passed on the condone delay petition and simply forwarded the appeal filed by the 4th respondent to the file of the 1st respondent herein.

21. In support of the said contention, the learned Senior Counsel relied upon the judgment of the Hon'ble Supreme Court of India in Ganesan v. Commissioner, Tamil Nadu Hindu Religious and Charitable Endowments Board reported in 2019 (3) CTC 469. In the said case, the Hon'ble Supreme Court of India with regards to power of the Commissioner of the Tamil Nadu Hindu Religious and Charitable Endowment Board in which held that the Suits, Appeals and Applications referred under the Limitation Act are not the matters are to be filed before the Statutory Authority like Commissioner under the Limitation Act, 1959. The operation of Section 29(2) of the Limitation Act is confined to the Suits, Appeals and Applications referred to in a Special or Local Law to be filed in Court and not before the Statutory Authorities. Therefore, the Limitation Act shall not be attracted for the appeal filed by virtue of the Circular dated 31.07.2018.

22. As per the Circular dated 31.07.2018 issued from the office of the Inspector General of Registration, Chennai, that if the concerned party wishes, he can file appeal to the Inspector General of Registration against the order of the District Registrar within a period of 60 days from the date of receipt of the order. Therefore, no provision to condone the delay by the Inspector General of Registration or by the 1st respondent. Thus, the appeal itself is barred by limitation and the 1st respondent has no jurisdiction to try the appeal filed by the 4th respondent.

23. Admittedly, the 4th respondent lodged complaint after demise of her father on 02.04.2018 before the Inspector General of Registration alleging that the petitioner's mother committed forgery of power of attorney dated 12.09.1997 registered vide

Document No.1146/1997 and mortgaged the subject property by a deed of mortgage dated 23.10.1997 registered vide Document No.4703/1997 in respect of the subject property owned by her father viz., K.N.Reddy. It was forwarded to the file of the 2nd respondent and the 2nd respondent issued notice dated 31.05.2018 for the enquiry to be conducted on 07.06.2018. On the enquiry, the petitioner's mother appeared on 25.06.2018 and submitted her statement. On perusal of statement and records from the petitioner's mother as well as the 4th respondent, the 2nd respondent by an order dated 26.07.2018, directed the 3rd respondent to initiate action under Section 83 of the Act, for prosecution.

24. Aggrieved by the same, the 4th respondent preferred an appeal before the 1st respondent on 27.01.2021. On receipt of the same, the 1st respondent issued notice to both the parties, in which the petitioner's mother appeared in person before the 1st respondent on 09.02.2021. Thereafter, she filed her reply on 15.03.2021 and however, she was not able to file supporting documents due to her illness. Thereafter, due to her illness she died on 25.04.2021. Even then, the 1st respondent failed to issue notice to the legal heirs of the petitioner's mother.

25. In fact, before demise of the petitioner's mother, the 4th respondent requested the 1st respondent to conduct a formal forensic analysis of the sale deed to verify the signatures of her father in the documents which was executed by her father dated 08.02.2005 registered vide Document No.817 of 2005. On receipt of the same, the 1st respondent called upon the report from the 3rd respondent to send original thumb impression registered pertaining to the Sale Deed dated 08.02.2005 and the Will dated 18.05.2005 registered vide Document No.56 of 2005. Thereafter, the 1st respondent also called for the original sale deed which was deposit of title deed by the petitioner's mother in the TATA Capital Financial Services. On receipt of the original Sale Deed and copy of the Will by the 1st respondent and had sent for the same to the Forensic Science Department to offer their opinion and the genuineness of the signatures of the 4th respondent's father. The 1st respondent received the report from the Forensic Science Department by the report dated 22.07.2021. On the basis of the report submitted by the Forensic Science Department, concluded that the Sale Deed dated 08.02.2005 and the Will dated 18.05.2005 are found to be fraudulently registered by impersonating the 4th respondent's father and forged his signatures.

26. Admittedly, after demise of the petitioner's mother, the 1st respondent did not send any notice to the legal heirs of the petitioner's deceased mother. Even after receipt of request made by the 4th respondent seeking forensic investigation by the

letter dated 29.03.2021, the 1st respondent failed to issue notice to the petitioner's mother. When the 1st respondent received any application from any party to the proceedings it has to be treated as interlocutory application and the 1st respondent ought to have issue notice to the other party and after giving opportunity of hearing and to pass order on the said application. The 1st respondent is being the appellate authority and while doing quasi judicial function normally on receipt of any application from one side, only after hearing on the other side on notice and only thereafter, to be proceed further.

27. Admittedly, on receipt of the request made by the 4th respondent, the 1st respondent without issuing any notice to the petitioner's mother, called for the original sale deed which was deposited by the petitioner's mother with the TATA Capital Financial Services and by the letter dated 25.06.2021 sent for the documents to get opinion from the Forensic Science Department. It amounts to clear violation of principles of natural justice. That apart, on receipt of report of the Forensic Science Department, no copy of the said report was furnished to the petitioner's deceased mother and no opportunity of hearing was given to her before passing the order. Thereafter, the impugned order was passed by the 1st respondent in the name of the dead person.

28. In this regard, the learned Senior Counsel appearing for the petitioner relied upon the judgement of the Hon'ble Supreme Court of India in Kamal Krishnan Rastogi v. State of Bihar reported in (2008) 15 SCC 105. The Hon'ble Supreme Court of India held that the order was passed against the dead person and for that reason alone it was unsustainable. The above case is squarely applicable to the case on hand and as such, the impugned order passed by the 1st respondent is unsustainable and it is against the principles of equity and natural justice.

29. It is also seen that the 4th respondent's father and mother got married on 28.08.1972 and they got separated by the dissolution of marriage dated 20.12.1996. On the date of dissolution of their marriage, the 4th respondent aged about 22 years and her brother aged about 20 years. The power of attorney was executed by the 4th respondent's father on 12.09.1997 in favour of the petitioner's mother viz., after dissolution of marriage dated 20.12.1996. Thereafter, the 4th respondent's father also executed Sale Deed dated 08.02.2005 in favour of the petitioner's mother registered vide Document No.817 of 2005. Therefore, the 4th respondent had full knowledge about their parents dissolution of marriage and her father was leaving in the house of the petitioner's parents. She also aged about 22 years and she could have very well challenged the said power of

attorney and the Sale Deed dated 08.02.2005 even before death of her father.

30. It is significant to note that the 4th respondent lodged complaint only on 02.04.2018 viz., after demise of her father. There is no explanation for the belated complaint lodged by the 4th respondent that too after period of 20 years from the date of execution of power of attorney dated 12.09.1997. Thus, it is quite clear that after demise of her father, the 4th respondent utilised the circumstances and lodged belated complaint. The 1st respondent without even considering the same and without any application of mind, passed the impugned order. The 1st respondent also failed to examine any witness to those documents to nullify the very execution of power of attorney and the sale deed in favour of the petitioner's mother.

31. In this regard, the learned Senior Counsel appearing for the petitioner relied upon the judgement of this Court in S.Kanniammal @ Mangai v. The State of Tamil Nadu reported in (2021) 8 MLJ 409. This Court held that after entering the complaint, the authority shall issue notices to the executants of the document and witnesses to appear for enquiry along with the complainant and it should also take witness of the registering officer and if needed, call for the records from the Revenue Department and also summon the respective Village Administrative Officer (VAO) to appear before the authority with the village accounts. In the case on hand, admittedly no witnesses were examined either by the 2nd respondent or by the 1st respondent before passing the impugned orders.

32. In view of the above, the order passed by the 1st respondent cannot be sustained and it is liable to be quashed. Accordingly, the impugned order dated 04.08.2021 is quashed. The writ petition is allowed. However, the 4th respondent is at liberty to challenge the documents executed in favour of the petitioner's mother before the Civil Court on satisfying the limitation, if so advised. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Inspector General,
   South Zone, Department of Registration,
   Chennai.

2. The District Registrar (Admin)
   South Chennai.

3. The Sub Registrar - Tambaram
   Sub Registrar Office
   Tambaram.

+1cc to Mr.Rahul. M.Shankhar, Advocate, S.R.No.2866

order made in
W.P.No.19204 of 2021

SSV(CO)
SU(28/01/2022)