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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.27452 of 2021

and

W.M.P.Nos.28966 and 28969 of 2021

1. K.Sardar
2. Halima
3. Dilshath
4. S.Kadar Basha
5. S.Mujibur Rahman
6. S.Sadam Hussain

...Petitioners

Vs

1. The State of Tamil Nadu,  
Rep.by its Secretary to Government,  
Commercial Taxes & Registration Department,  
Secretariat, Chennai - 9.
2. The Inspector General of Registration,  
No.100, Santhome High Road,  
Pattinampakkam, Chennai - 28.
3. The District Registrar,  
Cuddalore Registration District,  
Cuddalore.
4. The Sub-Registrar,  
Panruti Sub-Registrar Office,  
Panruti.
5. S.Fathima
6. N.Rajaraman
7. R.Amutha
8. M.Premnath

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to cancel the deed of power of attorney dated 13.07.2021 and the consequential sale deeds in Document No.1962 dated 19.07.2021, document No.3285 dated 01.11.2011 based on the decree made in A.S.No.49 of 2018 dated



22.02.2021 on the file of the District Court, Cuddalore within time frame.

For Petitioners : M/s.K.Jenitha

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For Respondents : Mr.Yogesh Kannadasan

Special Government Pleader (for R1 to R4)

## O R D E R

This writ petition is filed to issue a Writ of Mandamus to direct the third respondent to cancel the deed of Power of Attorney dated 13.07.2021 and the consequential sale deeds in Document No.1962 dated 19.07.2021 and Document No.3285 dated 01.11.2011 based on the decree made in A.S.No.49 of 2018 dated 22.02.2021 on the file of the District Court, Cuddalore within time frame.

**(\*)2.The petitioners lodged a complaint before the third respondent as against the respondents 5 to 8 herein with regard to the fraudulent transactions in respect of Power of Attorney dated 13.07.2021 and consequential registered sale deeds dated 13.07.2021 and 19.07.2021, vide Document Nos.1962 and 3285 respectively based on the Will dated 30.08.2018. On receipt of the same, the third respondent issued notice to the petitioners as well as the respondents 5 to 8 herein and the said notice for enquiry to be held on 27.10.2021. However, the said enquiry is still pending and no order has been passed. In the meanwhile, on the strength of the sale deed dated 19.07.2021 and subsequently transactions have been made.**

3. Considering the above facts and circumstances of the case, the third respondent is directed to conduct enquiry, after issuance of notice to the petitioners and the respondents 5 to 8 herein and after giving an opportunity of hearing to them, pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above direction, this writ petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Kv

03.01.2022

This matter having been listed under the caption for "being mentioned" on 04.02.2022 pursuant to the order of this court date 03.01.2022 and made herein in the presence of M/s.K.Jenitha, Advocate for the Petitioner and this court made



the following order:

At the instance of the learned counsel for the petitioners, today this matter has been posted under the caption "for being mentioned".

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2. Heard, the learned counsel for the petitioners.

3. In view of the submission of the learned counsel for the petitioners, it is ordered that the second paragraph of the order passed in WP.No.27452 of 2021 dated 03.01.2022 shall read as follows:

2. The petitioners lodged a complaint before the third respondent as against the respondents 5 to 8 herein with regard to the fraudulent transactions in respect of Power of Attorney dated 13.07.2021 and consequential registered sale deeds dated 13.07.2021 and 19.07.2021, vide Document Nos.1962 and 3285 respectively based on the Will dated 30.08.2018. On receipt of the same, the third respondent issued notice to the petitioners as well as the respondents 5 to 8 herein and the said notice for enquiry to be held on 27.10.2021. However, the said enquiry is still pending and no order has been passed. In the meanwhile, on the strength of the sale deed dated 19.07.2021 and subsequently transactions have been made.

4. Accordingly, the Registry is directed to issue a fresh order copy in WP.No.27452 of 2021 dated 03.01.2022 after making necessary corrections.

Sd/-

Assistant Registrar(CO)  
(11/01/2021)

**(\*) Corrected as per order  
dated 04.02.2022 in  
W.P.No.27452 of 2021**

Sd/-

**Assistant Registrar(CO)  
(18/02/2021)**

//True copy//

Sub Assistant Registrar

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1. The Secretary to Government,  
The State of Tamil Nadu,  
Commercial Taxes & Registration Department,  
Secretariat, Chennai - 9.

- +1cc to M/s.K.Jenitha, Advocate SR.No.10
- +1cc to Government Pleader SR.No.673

W.P.No.27452 of 2021

SRA (CO)  
RGA (21/02/2022)