



WEB COPY



W.P.No.34447 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.34447 of 2022

C.Kannan

... Petitioner

Vs

1.The Deputy Inspector General of Registration,
Integrated Building Complex,
Kumaragiri by pass Road,
Near Kailash Manasarover CBSE School,
Near Udayapatty Power House,
Ammamet, Salem – 636 014.

2.The District Registrar,
District Registrar Office,
Dharmapuri – 636 701.

3.The Sub Registrar,
Sub Registrar Office,
Marandahalli, Palacode Taluk,
Dharmapuri District.

4.S.Athmavarma

5.P.Muniraju

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent to consider and pass order on the petitioner's representation dated 16.11.2022 and 23.11.2022 with regard to cancel the General Power of Attorney dated 06.12.2021 and Sale deed dated 09.12.2021 executed fraudulently by the Respondents 4 and 5 by conducting enquiry in the light of Section 77(A) of the amendment of Registration Act 1908.



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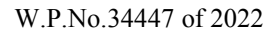
For Petitioner : Mr.P.M.Jayachandran
For Respondent : Mr.Yogesh Kannadasan
Spl. Government Pleader for R1 to R3

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 2nd respondent to consider and pass orders on the petitioner's representation dated 16.11.2022 and 23.11.2022 with regard to cancel the General Power of Attorney dated 06.12.2021 and Sale deed dated 09.12.2021 executed fraudulently by the Respondents 4 and 5 by conducting enquiry in the light of Section 77(A) of the amendment of Registration Act, 1908.

2. In order to cancel the Power of Attorney as well as the sale deed dated 06.12.2021 and 09.12.2021, which according to the petitioner, has been executed fraudulently by the 4th and 5th respondents, the petitioner had given representation on 16.11.2022 and 23.11.2022 to the respondents especially the 1st and 2nd respondents.

3. Following the same, by communication dated 21.11.2022 the 1st respondent has directed the 2nd respondent to conduct an enquiry and send a report to the 1st respondent.



5. Heard Mr.P.M.Jayachandran, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents 1 to 3.

6. The learned Special Government Pleader for the respondents 1 to 3 would submit that, in the communication dated 21.11.2022 though the 1st respondent has stated that the enquiry should be conducted by the 2nd respondent under Section 68(2) of the Registration Act, such enquiry may be conducted under Section 77-A of the Registration Act in view of the amendment having been made with effect from 16.08.2022 in the said Act and accordingly the 2nd respondent since is empowered under the said provision can complete the enquiry and pass orders as to the veracity of the document which are in question, he contended.

7. In view of the order going to be passed in this writ petition, notice to the 4th and 5th respondents is hereby dispensed with.



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8. Having regard to the said submission made by the learned Special Government Pleader for the respondents 1 to 3 and having taken note of the factual matrix projected by the learned counsel for the petitioner, this Court is inclined to dispose of this writ petition with the following orders:

There shall be a direction to the 2nd respondent to entertain the two representations submitted by the petitioner in this regard as a complaint within the meaning of Section 77-A of the Act and accordingly conduct an enquiry by giving notice to both the petitioner as well as the private respondents herein and pass orders thereon on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

9. With this direction, this Writ Petition is disposed of. No costs.

22.12.2022

Index : Yes/No

Speaking Order : Yes/No

Sgl



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R.SURESH KUMAR, J.

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