



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6679 of 2022

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1.P.Subbulakshmi

2.G.Jegajothimani

.. Petitioners

Vs

1.The District Registrar,
District Registrar Office,
No.171, Palace Road,
Madurai South,
Madurai - 625 001.

2.Dheenadayalan

3.S.Amudhadevi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to conduct enquiry on the fraudulent sale deed in Document No.1332/2018 and General Power of Attorney in Document No.1/2003, on the file of Natham Sub Registrar Office, Dindigul District, based on the petitioner's complaint, dated 19.01.2022, as per the circular issued by the Inspector General of Registration in his proceedings in Letter No.41530/U1/2017, dated 08.11.2017 and proceed in accordance with law.

For Petitioners : Mr.V.Kishore Kumar

For Respondents : Mr.S.Shanmugavel for R1
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to conduct enquiry on the alleged fraudulent sale deed, dated 30.05.2018, registered as document No.1332/2018 and the alleged fraudulent General Power of Attorney bearing document No.1/2003, on the file of the Natham Sub Registrar's Office, Dindigul District, based on the petitioner's complaint, dated 19.01.2022, within a time frame to be fixed by this Court.

2.The case of the petitioners is that the property conveyed under the sale deed, dated 30.05.2018, registered as document No.1332/2018, is their absolute property. According to the



petitioners, patta also stands in their name. They have given the details as to how they became the owners of the property in the affidavit filed in support of this writ petition.

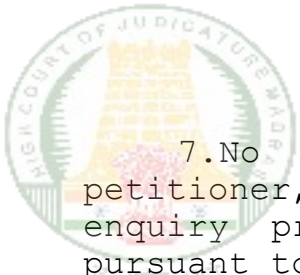
3.However, according to the petitioners, they came to know only recently that a fraud has been played upon them by the second respondent, who has got a sale deed, dated 30.05.2018, registered in the name of the third respondent for the very same property, based upon a power of attorney executed in favour of the second respondent in the year 2003, through document No.1/2003. Having come to know about the fraud, the petitioners have given a complaint to the first respondent on 19.01.2022, calling upon the first respondent to take action and cancel the sale deed and the power of attorney based on the circular issued by the Inspector General of Registration, dated 08.11.2017. Since the complaint of the petitioners has not been responded by the first respondent, the petitioner has filed this writ petition.

4.Heard Mr.V.Kishore Kumar, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the first respondent.

5.The petitioners have filed the following documents along with this writ petition.

- a) Copy of the Judgment passed by the Principal Subordinate Judge, Dindigul in O.S.No.247 of 2010, dated 13.06.2011.
- b) Copy of the Decree passed by the Principal Subordinate Judge, Dindigul in O.S.No.247 of 2010, dated 13.06.2011.
- c) Copy of the patta in patta No.1238, dated 10.09.2013.
- d) Copy of the patta in patta No.2285, dated 10.09.2013.
- e) Copy of the final decree passed by the learned Principal Subordinate Judge, in I.A.No.458 of 2011, dated 17.04.2014.
- f) Copy of the Judgment passed by the learned Principal Subordinate Judge, in I.A.No.458 of 2011, dated 17.04.2014.
- g) The proceedings of the Inspector General of Registration in letter No.41530/U1/2017, dated 08.11.2017.
- h) Copy of the sale deed executed by the second respondent to the third respondent in document No.1332/2018, dated 30.05.2018.
- I) Copy of the complaint given by the petitioners to the first respondent, dated 19.01.2022.

6.As seen from the aforementioned documents, on a *prima facie* consideration, this Court is of the considered view that the grievance raised by the petitioners in this writ petition has to be considered on merits and in accordance with law, by the first respondent. This Court also deems it fit that even though the second and third respondents have been made as party respondents, there is no necessity to issue notice to them in this writ petition, in view of the serious allegations levelled against them, which are supported by documents.



7.No prejudice will be caused to the respondents, if the petitioner, the second and third respondents are heard in the enquiry proceedings to be conducted by the first respondent, pursuant to the directions given by this Court.

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8.For the foregoing reasons, this Court directs the first respondent to conduct enquiry on the petitioners' complaint, dated 19.01.2022, seeking for cancellation of the sale deed, dated 30.05.2018, registered as document No.1332/2018 and the power of attorney as document No.1/2003 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioners and the respondents 2 and 3, including granting them the right of personal hearing, within a period of twelve weeks from the date of receipt of a copy of this order.

9.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The District Registrar,
District Registrar Office,
No.171, Palace Road,
Madurai South,
Madurai - 625 001.

+1 CC to M/s.V. KISHORE KUMAR, Advocate (SR-18015[F] dated 12/04/2022)

+1 CC to M/s.SPL.GP. (SR-18138[F] dated 12/04/2022)

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