



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7128 of 2022

M.Ashadevi,

Represented through her brother and Power Agent,

M.Balakartikeyan

... Petitioner

/Vs./

1.The District Registrar,
Madurai (South),
Mahal Road, Madurai District.

2.Pandiselvi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the first respondent to initiate action for cancellation of the forged document dated 18.01.2021 bearing document No.223/2021 obtained by the second respondent from a mentally unsound person P. Marimuthu by conducting due enquiry on the basis of the petitioner's representations dated 16.03.2022 and 06.04.2022.

For Petitioner : Mr.R.G.Shankar Ganesh

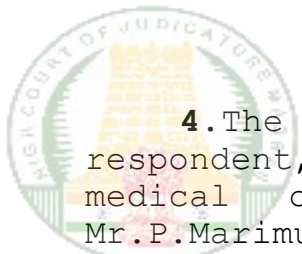
For R1 : Mr.J.John Rajadurai,
Government Advocate.

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to initiate action for cancellation of the alleged forged document dated 18.01.2021 bearing document No.223/2021 obtained by the second respondent from a mentally unsound person, Mr.P.Marimuthu by conducting due enquiry on the basis of the petitioner's representations dated 16.03.2022 and 06.04.2022.

2.It is the case of the petitioner that the vendor, namely, Marimuthu, is a mentally unsound person and he is the husband of the petitioner. According to the petitioner, a sale deed has been executed by Mr.P.Marimuthu, a mentally unsound person on 18.01.2021 in favour of the second respondent, who is the sister of the petitioner. According to the petitioner, since it has been executed by a mentally unsound person, the said document is a fraudulent document. The petitioner has given representations on 16.03.2022 and 06.04.2022 to the first respondent seeking for cancellation of the aforementioned document. Since the said representations have not been considered till date, she has filed this writ petition.

3.Heard Mr.R.G.Shankar Ganesh, learned Counsel for the writ petitioner and Mr.J.John Rajadurai, learned Government Advocate, who accepts notice on behalf of the first respondent.



4.The learned Government Advocate appearing for the first respondent, on instructions, would submit that only based on the medical certificate dated 23.11.2020 issued in favour of Mr.P.Marimuthu, the sale deed dated 18.01.2021 bearing Document No.223/2021 was allowed to be registered by the first respondent. However, the same is disputed by the learned counsel appearing for the petitioner.

5.According to the petitioner, her husband, Mr.P.Marimuthu, is an insane person. Therefore, the document executed by him is a fraudulent document and she is living in Australia and her husband, Mr.P.Marimuthu, was sent to India for treatment due to his mental illness. According to her, the second respondent exploited the situation and got the sale deed executed in her favour from Mr.P.Marimuthu.

6.No prejudice would be caused to the first respondent, if the representations of the petitioner are considered on merits and in accordance with law, after affording a fair hearing to the petitioner, the second respondent as well as any other necessary party, whom the first respondent deems fit to enquire.

7.For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representations dated 16.03.2022 and 06.04.2022 seeking for cancellation of the document dated 18.01.2021 bearing Document No.223/2021 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, the second respondent as well as any other necessary party, whom the first respondent deems fit to enquire, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

8.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To
The District Registrar,
Madurai (South),
Mahal Road, Madurai District.

+1 CC to M/s.SPL.GP (SR-19360[F] dated 19/04/2022)

W.P. [MD]No.7128 of 2022

18.04.2022

MGJ(02.05.2022) 2P 3C