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W.P.(MD)NO.11624 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11624 of 2022 and
W.M.P.(MD)Nos.8210 & 8212 of 2022

S. Ebanesar Gnanabai Sukirthagani,
W/o. Mr. Christophersun Ebanesar Nelson,
Door No.193-G, Mariamman Kovil Street,
Alangulam,
Alangulam Taluk,
Tenkasi District.

... Petitioner

Vs.

1. The Assistant Inspector General of Registration,
Department of Registration,
Tirunelveli Region,
Tirunelveli,
Tirunelveli District.
2. The District Registrar,
District Registrar Office,
Palayamkottai,
Tirunelveli District.
3. The Sub Registrar,
Nazareth Sub Registration Office,
Nazareth,
Thoothukudi District.
4. The Sub Registrar,
Tiruchendur Sub Registration Office,
Tiruchendur,
Thoothukudi District.



5. Vallinayagam

6. S. Janagiram

7. E. Issac

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the illegal, fake and impersonated deed of documents as from 5th respondent to 6th respondent vide Document No.862/2009 and 6th respondent to 7th respondent vide Document No.246/2016 in the office of the 3rd and 4th respondents and set aside the same in view of fabrication in the said documents and consequently direct the respondents 5 to 7 to hand over the vacant possession and enjoyment of the property bearing survey Nos.399/1A2, 399/3, 399/1A2A, 399/1A2C1, situated at Udayarkulam Village, Eral Taluk, Thoothukudi District forthwith.

For Petitioner : Mr.Palani Velayutham

For R-1 to R-4 : Mr.K.S. Selva Ganesan,
Additional Government Pleader.

For R-6 : Mr.M. Maharaja

For R-7 : Mr.G. Thalaimutharasu

* * *

**ORDER**

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Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 to 4 and the learned counsel appearing for respondents 6 and 7.

2. Though notice has been served on the fifth respondent and his name is also printed in the cause list, he has not chosen to enter appearance.

3. The petitioner alleges that a power of attorney had been fabricated in the name of a dead person. The case of the petitioner is that the property belonged to her father-in-law Mr.Nelson Joseph. He had passed away as early as on 04.05.1993. However, the fifth respondent had projected the respondents 6 and 7 that Nelson Joseph executed power of attorney in his favour in the year 2008. On the basis of the execution of the sale deed dated 20.02.2008, the petitioner has given a petition before the second respondent for endorsing the said document as fraudulent on 27.05.2022.



4. The second respondent is directed to hold an enquiry and pass final orders within a period of three months from the date of receipt of a copy of this order. The second respondent will hear all the interested parties before passing final order. I make it clear that I have not gone into the merits of the matter. All the contentions of the petitioner are left open.

5. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

03.08.2022

Index : Yes / No
Internet : Yes/ No

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To:

1. The Assistant Inspector General of Registration,
Department of Registration,
Tirunelveli Region, Tirunelveli,
Tirunelveli District.
2. The District Registrar,
District Registrar Office, Palayamkottai,
Tirunelveli District.
3. The Sub Registrar,
Nazareth Sub Registration Office,
Nazareth,
Thoothukudi District.
4. The Sub Registrar,
Tiruchendur Sub Registration Office,
Thoothukudi District.



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G.R.SWAMINATHAN,J.

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