



W.P.(MD)No.23731 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.10.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.23731 of 2022

M.Ananthakrishnan

.. Petitioner

Versus

1.The Inspector General of Registration,
O/o. the Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai.

2.The Deputy General of Registration,
O/o.the Inspector General of Registration,
Saint Thomas Road,
Maharaja Nagar,
Tirunelveli.

3.The District Registrar (Admin.),
O/o. the District Registrar,
Near to new Bus Stand,
Thoothukudi District – 628 008.

4.The Sub-Registrar,
Tiruchendur Sub-Registrar Office,
Tiruchendur,
Thoothukudi District.

5.P.G.Sabarinath

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the third respondent to conduct



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and complete the enquiry process in his proceedings, in Na.Ka.No. 5802/AA4/2021, in the light of Letter No.24819/c1/2021, issued by the first respondent, within a stipulated period as fixed by this Court.

For Petitioner : Mr.J.David Ganesan
For Respondents 1to 4 : Ms.S.Jayapriya
Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the third respondent to conduct and complete the enquiry process in his proceedings, in Na.Ka.No.5802/AA4/2021, in the light of Letter No. 24819/c1/2021, issued by the first respondent, within a stipulated period to be fixed by this Court.

2.Heard Mr.J.David Ganesan, learned counsel appearing for the petitioner and Ms.S.Jayapriya, learned Government Advocate, who takes notice for the respondents 1 to 4. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the petitioner is that he purchased a house Plot along with a house, situated at S.No.241/1, East Tiruchendur, Thoothukudi District, from

B.Peratchi, S/o.Late.Brammanayagam and P.Gomathi, W/o.Peratchi, through a



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sale deed dated 19.03.1997, bearing Document No.371/1997. From the said date onwards, the petitioner is in possession and enjoyment of the said property. The petitioner is residing at Kerala with his family members due to his nature of duty. While so, the said Peratchi and his son, who is arrayed as fifth respondent, created a forged Power of Attorney, bearing Document No.5 of 2003 as if the petitioner has given Power of Attorney in respect of the aforesaid property to the said Peratchi. The said Power of Attorney was not executed by the petitioner and his signature and thumb impression were also impersonated by the said Peratchi in order to grab the entire property. Further, the boundaries were wrongly mentioned in the said Power of Attorney. Thereafter, the fifth respondent purchased the said properties from his own father, vide sale deed dated 30.04.2012, bearing Document No.1195/2012, on the basis of the said forged Power of Attorney.

4. According to the petitioner, the said Peratchi and the fifth respondent have no right and title over the said property and both the Power of Attorney and the sale deed are fraudulent documents. In the said circumstances, the petitioner lodged a complaint to the respondents 1 to 3 along with the relevant documents and requested them to cancel the said forged Power of Attorney and the sale deed dated 30.04.2012. On receipt of the complaint, the third respondent issued summons dated 20.10.2021 to the petitioner and other



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necessary parties. The petitioner appeared and submitted his written submission before the third respondent on 15.11.2021, by narrating the entire facts and also produced all the relevant documents.

5.The third respondent made a proposal dated 23.06.2022 and sent the alleged signature and finger print found in the fraudulent documents for finger print expert's opinion. On examination, it was found that the said documents were created one and the signature and finger prints not tallied with the petitioner's signature and finger print and a report has also been sent to the third respondent on 15.07.2022. However, thereafter, third respondent is not taking any effective steps to cancel the said forged documents and to make entry in the E.C. in respect of the said properties.

6.The learned counsel appearing for the petitioner submitted that it is the mandatory duty of the third respondent to proceed with the enquiry and complete the same as early as possible; otherwise, further fraudulent entry in respect of the property will be created continuously. He further submitted that now, the first respondent, vide his proceedings dated 14.09.2022, gave power to all the District Registrars to take appropriate action as against the fraudulent documents as per the new amendment in the Registration Act.



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7.The learned Government Advocate appearing for the respondents 1 to 4 sought some more time to complete the enquiry and pass appropriate orders.

8.Considering the aforesaid submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the third respondent to proceed further in the enquiry and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to all the necessary parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order.

9.This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
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14.10.2022

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