



W.P.(MD)No.26130 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26130 of 2022
and
W.M.P.(MD)No.20289 of 2022

P.Sureshkumari

.. Petitioner

Versus

1.The Inspector General of Registration,
Office of Inspector General of Registration,
No.100, Ponthamallee High Road,
Santhome,
Chennai – 600 028.

2.The District Registrar (Admn.),
District Registrar Office,
Trichy.

3.The Sub-Registrar,
No.3, Joint Sub-Registration Office,
Trichy.

4.The Trichy City Municipal Corporation,
Rep. through its Commissioner,
Bharathidasan Salai,
Trichy.

5.P.Senthilkumar

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to conduct enquiry as per first respondent's Circular Na.Ka.No.6445/C1/2021,



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dated 18.02.2021 and in the light of the Letter of the first respondent in Letter No.49361/CA2/2021, dated 13.01.2022, and to cancel the forged registration of Gift Deed, bearing Document No.3884/2021, dated 07.10.2021, executed by fifth respondent in favour of the fourth respondent Trichy Corporation based on the petitioner's representation, dated 29.11.2021.

For Petitioner : Mr.N.S.Karthikeyan
For Respondents 1 to 3 : Mr.K.S.Selvaganesan
Additional Government Pleader
For 4th Respondent : Mr.R.Baskaran
Standing Counsel

ORDER

The petitioner has approached this Court seeking a direction to the second respondent to conduct enquiry as per first respondent's Circular in Na.Ka.No.6445/C1/2021, dated 18.02.2021 and in the light of the Letter of the first respondent in Letter No.49361/CA2/2021, dated 13.01.2022, and to cancel the forged registration of Gift Deed, bearing Document No.3884/2021, dated 07.10.2021, executed by fifth respondent in favour of the fourth respondent Trichy Corporation, based on her representation, dated 29.11.2021.

2. Heard Mr.N.S.Karthikeyan, learned counsel for the petitioner; Mr.K.S.Selvaganesan, learned Additional Government Pleader, who takes notice for the respondents 1 to 3; and R.Baskaran, learned Standing Counsel, who takes notice for the fourth respondent. By consent of the learned counsel



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appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the learned counsel for the petitioner, the petitioner purchased the property in old S.No.10/A1, R.S.No.91/5, measuring an extent of 1.70 Acres, through a registered sale deed, dated 07.08.2006, bearing Document No.2074 of 2006, on the file of the third respondent. Thereafter, she executed a registered general Power of Attorney in respect of the said property to one of her sons, namely, P.Senthilkumar/fifth respondent, bearing Document No.356/2009, for the purpose of getting approval to convert the lands as layout. In the meanwhile, on 07.10.2021, without the knowledge and consent of the petitioner, her son/fifth respondent executed a unilateral gift settlement deed in favour of the fourth respondent/Trichy City Municipal Corporation, vide Document No.3884/2021.

4. After knowing the same, the petitioner cancelled the said Power of Attorney given to her son, vide Document No.4708 of 2011, dated 26.11.2021. Immediately, on 27.12.2021, she sent representations to the Trichy Corporation, the Member Secretary, Local Planning Authority, Trichy and the second respondent/District Registrar, not to entertain any registration based on the forged gift deed, dated 07.10.2021. Thereafter, on 29.11.2021, she made a



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complaint before the respondents 1 and 2 to cancel the forged document as per the circular of the first respondent. The first respondent on receipt of the said complaint, has forwarded the same to the second respondent for taking action and conducting enquiry. However, no action has been taken so far. Hence, the petitioner has filed present Writ Petition for the relief stated supra.

5. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the enquiry would be conducted and appropriate orders would be passed on merits and in accordance with law, after issuing notice to all the necessary parties concerned, within a time frame.

6. Recording the aforesaid submission made by the learned Additional Government Pleader appearing for the respondents 1 to 3, this Court, without going into the merits of the case, directs the second respondent to conduct an enquiry as per the first respondent's Circular, dated 18.02.2021 and also in the light of the Letter of the first respondent in Letter No.49361/CA2/2021, dated 13.01.2022, and pass appropriate orders on merits and in accordance with law, after issuing notice to all the necessary parties concerned, including the fourth respondent herein, within a period of 16 weeks from the date of receipt of a copy of this order.



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7. This Writ Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/No
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18.11.2022

To

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- 2.The District Registrar (Admn.),
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V.BHAVANI SUBBAROYAN, J.

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Order made in
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