



W.P.(MD)No.26800 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26800 of 2022
and
W.M.P.(MD)No.20977 of 2022

P.Subramanian

.. Petitioner

Versus

1.The District Registrar,
Tuticorin District,
Tuticorin.

2.The Sub-Registrar,
Sub-Registrar Office,
Kadambur,
Kayathar Taluk,
Tuticorin District.

3.Myrath Vayu (Hemavati) Private Limited,
No.109, Q-City 8001,
Nanakraguda,
Gachilbowhi,
Hyderabad – 500 032.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to conduct an enquiry under Section 77-A of Registration Act to cancel the illegal sale documents registered in respect of property, situated in S.No. 227/3A in Patta No.705, at Koppanpatti Village, Kayathar Taluk, Tuticorin District, by considering the petitioner's representation, dated 26.09.2022 and to



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restore the Encumbrance in the name of the petitioner, within a time frame to be fixed by this Court.

For Petitioner : Mr.T.Chandrasekaran

For Respondents 1 and 2: Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to conduct an enquiry under Section 77-A of the Registration Act to cancel the illegal sale documents registered in respect of property, situated in S.No.227/3A in Patta No.705, at Koppanpatti Village, Kayathar Taluk, Tuticorin District, by considering his representation, dated 26.09.2022 and to restore the Encumbrance in his name, within a time frame to be fixed by this Court.

2. Heard Mr.T.Chandrasekaran, learned counsel appearing for the petitioner and Mr.K.S.Selvaganesan, learned Additional Government Pleader, who takes notice for the respondents 1 and 2. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. Having regard to the nature of the order proposed to be passed in this

Writ Petition, notice to the third respondent is dispensed with.

4. According to the learned counsel for the petitioner, the petitioner's father, namely, Paramasivan purchased the property in question, measuring an extent of 2 Acres and 72 Cents, from one Valliammal through a registered Document bearing Document No.203/1987, dated 13.04.1987. Thereafter, the petitioner's father executed a settlement deed bearing Document No.839/2018, dated 30.05.2018, measuring an extent of 1 Acre and 48 Cents, in favour of the petitioner. Subsequently, the petitioner's father died on 21.01.2021. After the demise of his father, the entire property devolved on the petitioner and he is in continuous possession and enjoyment of the property. While so, one Kumararaja created a fraudulent General Power of Attorney, based on which, he sold the property in the year 2006 in favour of one Elangovan. Thereafter, the said Elangovan's son, namely, Aravinthan entered into an agreement with the third respondent Wind Mill and he has given the property for lease for a period of 30 years to the third respondent Wind Mill, through a registered Document, bearing Document No.647/2017, dated 25.04.2017. Accordingly, the third respondent Wind Mill has been installing illegal Wind Mill in the subject land in a fraudulent manner. The petitioner's father had not executed any general Power of Attorney in favour of the said Kumararaja on



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17.07.2006, through a document bearing Document No.122/2006. After knowing the facts and execution of the documents, the petitioner lodged a complaint before the Inspector of Police, Land Grabbing Wing, Thoothukudi District as well as the Inspector of Police, Koppanpatti, to take action against them and the same is pending. The petitioner has also sent a representation to the respondents 1 and 2 on 26.09.2022, seeking to cancel the fraudulent general Power of Attorney and illegal sale deeds and mortgage deed in favour of the third respondent. Since the same has not been considered so far, the petitioner has filed the present Writ Petition for the relief stated supra.

5. The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that an enquiry would be conducted based on the petitioner's representation dated 26.09.2022, and appropriate orders would be passed by the respondents 1 and 2 on merits and in accordance with law within a time frame.

6. Recording the above said submission made by the learned Additional Government Pleader appearing for the respondents 1 and 2, this Court, without going into the merits of the case, directs the respondents to conduct an enquiry based on the representation of the petitioner dated 26.09.2022, and pass appropriate orders on merits and in accordance with law, after providing an



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opportunity of hearing to all the necessary parties concerned, within a period of 20 weeks from the date of receipt of a copy of this order.

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

Index : Yes/No
smn2

29.11.2022

To

- 1.The District Registrar,
Tuticorin District,
Tuticorin.
- 2.The Sub-Registrar,
Sub-Registrar Office,
Kadambur,
Kayathar Taluk,
Tuticorin District.



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V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
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29.11.2022