



WEB COPY



W.P.No.5388 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.5388 of 2023

- 1.Marathal
- 2.Sarashwathi @ Sarasathal
- 3.Sivagami @ Sivathal
- 4.Arukkani
- 5.Packiyam @ Phakiyam

... Petitioners

Vs

- 1.The Inspector General of Registration,
100, Santhome Road,
Chennai – 600 028.
- 2.The District Registrar (Administration)
(in the Cadre of Assistant Inspector
General of Registration),
Office of Registration Department,
Coimbatore, Coimbatore District.
- 3.The Sub-Registrar,
Office of the Ganapathy Sub Registrar,
No.33, Manikaranpalayam, Ganapathy,
Coimbatore District.
- 4.Sridhar K.Varadharaj
- 5.D.Balasubramaniam
- 6.K.Ravichandran
- 7.P.Chandramohan
- 8.V.Sadasivam

... Respondents



W.P.No.5388 of 2023

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent to cancel the fraudulent sale Deed Document No.8056 of 2021 dated 15.11.2021 and the fraudulent General Power of Attorney Document No.8065 of 2021 dated 15.11.2021 on the file of the 3rd respondent in the light of the Circular in Letter No.33760/U1/2022 dated 27.09.2022 issued by the 1st respondent in view of the petitioners' representation dated 26.10.2022.

For Petitioners : Mr.D.Sreenivasan

For Respondents : Mr.Yogesh Kannadasan
Special Govt. Pleader for R1 to R3

ORDER

The prayer sought for herein is for a writ of mandamus directing the 2nd respondent to cancel the fraudulent sale Deed Document No.8056 of 2021 dated 15.11.2021 and the fraudulent General Power of Attorney Document No.8065 of 2021 dated 15.11.2021 on the file of the 3rd respondent in the light of the Circular in Letter No.33760/U1/2022 dated 27.09.2022 issued by the 1st respondent in view of the petitioners' representation dated 26.10.2022.

2. In respect of the documents viz. Document No.8056 of 2021 and 8065 of 2021 on the file of Ganapathy Sub Registrar Office at Coimbatore District, a complaint had been given on behalf of the petitioners by the 4th



W.P.No.5388 of 2023

petitioner on 26.10.2022 to enquire the matter and to declare the documents in question as fraudulent documents within the meaning of Section 77-A of the Registration Act and to issue a consequential direction to the registering authority to cancel those documents.

3. Having entertained the said complaint, the 2nd respondent District Registrar had issued a notice on 20.01.2023 to both the petitioners as well as the private respondents to respond to the said notice.

4. In response to the said notice dated 20.01.2023, it is the submission of the learned counsel for the petitioners that, on behalf of the petitioners, they appeared before the 2nd respondent and they put forth their case, thereafter nothing was moved till date, therefore in order to complete the enquiry and to pass orders on the complaint given by the petitioners under Section 77-A of the Act, the petitioners have moved the present writ petition with the aforestated prayer, he contended.

5. Heard Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for respondents 1 to 3 and in view of the order going to be passed in this writ petition, notice to the private respondents is hereby



W.P.No.5388 of 2023

dispensed with.

WEB COPY

6. The learned Special Government Pleader for the official respondents would submit that, pursuant to the notice dated 20.01.2023 if the enquiry is not completed, further enquiry would be conducted by giving notice to both the petitioners as well as the private respondents and after completing the enquiry, necessary orders would be passed by the 2nd respondent within the meaning of Section 77-A of the Registration Act within a time frame that may be stipulated by this Court.

7. Considering the said submission made by the learned counsel for both sides especially the stand taken by the learned Special Government Pleader for the official respondents, this Court is inclined to dispose of this writ petition with the following orders:

There shall be a direction to the 2nd respondent District Registrar to complete the enquiry pursuant to the notice dated 20.01.2023 and in this regard if both petitioners as well as private respondents are to be further heard, notices shall be sent to both parties and by completing the enquiry, final orders shall



W.P.No.5388 of 2023

be passed by the 2nd respondent within a period of eight weeks
from the date of receipt of a copy of this order.

8. With these directions, this Writ Petition is disposed of. No costs.

23.02.2023

Index : Yes / No

Speaking Order : Yes / No

Sgl

To

- 1.The Inspector General of Registration,
100, Santhome Road,
Chennai – 600 028.
- 2.The District Registrar (Administration)
(in the Cadre of Assistant Inspector
General of Registration),
Office of Registration Department,
Coimbatore, Coimbatore District.
- 3.The Sub-Registrar,
Office of the Ganapathy Sub Registrar,
No.33, Manikaranpalayam, Ganapathy,
Coimbatore District.



WEB COPY



W.P.No.5388 of 2023

R.SURESH KUMAR, J.

Sg1

W.P.No.5388 of 2023

23.02.2023