



W.P.No.18394 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.18394 of 2021
and WMP.Nos.19610 & 19611 of 2021

Mr.M.C.Mathew

... Petitioner

-Vs-

1. The Inspector General of Registration,
Santhome High Road,
Chennai – 600 028.

2. The District Registrar (Admin)
Krishnagiri District,
Krishnagiri – 635 001.

3. The Sub-Registrar,
Hosur, Krishnagiri District – 635 109.

4. M.C.Nathew

5. Mrs.Sayeeda Begum

6. VGP Housing Private Limited,
VGP Square, Saidapet, Chennai – 600 015.

7. The Director General of Police,
Dr.Radhakrishnasalai,
Mylapore, Chennai – 4.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India
praying for the issuance of a Writ of Certiorarified Mandamus, calling for
the records of the 3rd respondent pertaining to the impugned General



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Power of Attorney dated 14.05.2019 registered as Document No.8594 of 2019 on the file of SRO, Hosur, Krishnagiri District executed by M.C.Nathew, the 4th respondent herein to and in favour of Sayeeda Begum, the 5th respondent herein and to quash the same and consequently direct the 3rd respondent to remove the entry of General Power of Attorney dated 14.05.2019 registered as Document No.8594 of 2019 from their records, consequently direct the 6th respondent to return the Original Sale deed D.No.2086/90 dated 22.05.1990.

For Petitioner : Mr.P.J.Sri Ganesh
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader [R1
to R3 and R7]
Mr.E.Kannadasan [R5]

ORDER

The prayer sought for herein is for a writ of Certiorarified Mandamus to quash the impugned General Power of Attorney dated 14.05.2019 registered as Document No.8594 of 2019 on the file of SRO, Hosur, Krishnagiri District executed by M.C.Nathew, the 4th respondent herein to and in favour of Sayeeda Begum, the 5th respondent herein and consequently direct the 3rd respondent to remove the entry of General Power of Attorney dated 14.05.2019 registered as Document No.8594 of



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2019 from their records and consequently direct the 6th respondent to return the Original Sale deed D.No.2086/90 dated 22.05.1990.

2. Though such a prayer has been sought for in this writ petition, after hearing the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the official respondents and the learned counsel appearing for the fifth respondent, this Court feels that, since by impersonating the name of the petitioner, the fourth respondent, as he has having the same name called M.C.Nathew, instead of M.C.Mathew (the petitioner name) seems to have executed a power of attorney in favour of the fifth respondent on 14.05.2019, which has been registered as document No.8594 of 2019 on the file of the Sub-Registrar Office, Hosur, Krishnagiri District i.e., the third respondent and in order to cancel the same, the petitioner though had asked the prayer in this writ petition, this Court feels that, in view of the latest amendment, which has been made in the provisions of the Registration Act, 1908, under which, Section 77-A has been inserted, the petitioner can be relegated to make a complaint to the second respondent District Registrar to cancel such alleged fraudulent document i.e., power



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of attorney executed by the fourth respondent in favour of the fifth respondent allegedly impersonating the name of the petitioner and once such complaint is given by the petitioner, the District Registrar can decide the same after conducting enquiry and by giving an opportunity of being heard to both the petitioner as well as the private respondents and a decision can be arrived at within the meaning of Section 77-A of the Registration Act, 1908.

3. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order:

That it is open to the petitioner to make a complaint forthwith against the fourth and fifth respondents to the second respondent District Registrar (Administration), Krishnagiri District under Section 77-A of the Registration Act, 1908 alleging that the document in question as referred to above is a fraudulent document said to have been executed by the fourth respondent to and in favour of the fifth respondent by impersonating the name of the petitioner and on receipt of such complaint from the petitioner, the same shall be entertained and



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enquired by the second respondent and after giving an opportunity of being heard to both the petitioner as well as the private respondents herein, final decision shall be taken as to the veracity of such document, which is in question and an order shall be passed by the second respondent within a period of twelve (12) weeks from the date of receipt of such complaint from the petitioner.

With these directions, this writ petition is disposed of. No costs.

Connected miscellaneous petitions are closed.

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Index : Yes/No

Speaking order: Yes/No

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R. SURESH KUMAR, J.

mp

To

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