



W.P.(MD)No.11419 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :05.06.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.11419 of 2020

Gomathi

... Petitioner

Vs.

- 1.The Inspector General of Registration
Office of the Inspector General of Registration,
No.100, Santhome, Chennai 600 028.
- 2.The Deputy Inspector General of Registration,
Integrated Registration Department Campus,
TNAU Nagar, Rrajakambiram,
Thirumokur Road, Y.Othakkadaai,
Madurai 625 107.
- 3.The District Registrar (Administration)
Madurai South Registration District,
No.171, Mahal Road,
Madurai 625 001.
- 4.The Joint Sub-Registrar No-I,
Madurai South Registration,
No.171, Mahal Road,
Madurai-625 001.

5.Ganaloganathan

6.Sakthivel

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7. Balamurugan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the third respondent to annul the fraudulent General Power of Attorney Deed in Document No.6866 of 2016 dated 17.10.2016 on the file of the fourth respondent within a time frame that may be stipulated by this Court, on the basis of Circular issued by the first respondent in his Circular letter No.41530/U1/2017 dated 31.07.2018.

For Petitioner :Mr.R.Udhayakumar

For Respondents :Mr.T.Amjadkhan
Government Advocate for R1 to R4

:No appearance for R7

ORDER

This writ petition has been filed seeking for a Mandamus directing the third respondent to annul the fraudulent General Power of Attorney Deed in Document No.6866 of 2016 dated 17.10.2016 on the file of the fourth respondent within a time frame that may be stipulated by this Court, on the basis of Circular issued by the first respondent in his Circular letter No.41530/U1/2017 dated 31.07.2018.



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2. The brief substance of the writ petition is that the petition mentioned property had been sold by the original owner Murugayeeammal, in favour of the petitioner as early as on 27.09.1999. The said Murugayeeammal passed away on 29.10.2015. Thereafter, her son, the fifth respondent appears to have created a general power of attorney on 17.10.2016 in favour of the respondents 6 and 7 in respect of the property, which had been sold to the petitioner. Thereafter, he has given a representation dated 31.08.2020 to the third respondent calling upon the third respondent to cancel the fraudulent document. It appears that the third respondent has conducted a detailed enquiry and passed an order on 31.03.2022 stating that the operative portion of the order cannot be pronounced. Since the matter is pending before this Court in the present writ petition, it is rather strange that the respondent, who has proceeded to hold the enquiry, has failed to pass the operative portion alone, citing the pendency of the writ petition. This writ petition itself is for a mandamus, directing the third respondent to annul the fraudulent power of attorney dated 17.10.2016.



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3. In the light of the above, the third respondent is directed to pass orders after hearing all the parties concerned within a period of four weeks from the date of receipt of a copy of this order. It is made clear that the third respondent shall independently apply his mind, without being influenced, by the observations in the earlier order and pass a speaking orders.

4. With the above directions, this writ petition stands disposed of.

There shall be no order as to costs.

05.06.2023

NCC :Yes/No

Index :Yes/No

sbm



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P.T.ASHA, J.

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