



W.P(MD)No.30738 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30738 of 2023

and

W.M.P(MD)No.26410 of 2023

Sulaiman

... Petitioner

Vs.

1.The Inspector General of Registration,

100, Santhome High Road,

Pattinapakkam,

Chennai - 600028.

2.The Deputy Inspector General of Registration,

Integrated Complex of Registration Department,

TNAU Nagar ,

Rajakampeeram,

Y.Othakadai,

Madurai – 625 107.



W.P(MD)No.30738 of 2023

WEB COPY

3.The District Registrar

Office of the District Registrar,
Madurai South, Palace Road,
Madurai – 625 001.

4.The Sub Registrar

Madurai South Joint I ,
District Registrar Office,
171, Palace Road,
Madurai – 625 001.

5.The Sub Registrar

Thiruparankundram Registrar Office,
Madurai – 625 016.

6.The Superintendent of Police

Office of the Superintendent of Police ,
Madurai.

7.Senthoorpandi

8.Soundarapandiyan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of



W.P(MD)No.30738 of 2023

India, praying this Court to issue a Writ of Mandamus to direct the respondents 1 to 3 to cancel the deed of general power of attorney in Document No.1269/10 in Book 4 dated 30.07.2010 which was registered by way of impersonated the petitioner's deceased father, consequently to cancel the Sale Deed in Document No.7929 of 2010 dated 16.09.2010 which was registered on the basis of the impersonated deed of general power of attorney document No.1269 of 2010 on the file of the Respondent No.4 in accordance with law.

For Petitioner : Mr.R.Alagumani

For Respondents: Mr.C.Satheesh – for R1 to R5

‘ Government Advocate

Mr.A.Albert James– for R6

‘ Government Advocate

ORDER

Heard the learned counsel appearing on either side.



W.P(MD)No.30738 of 2023

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2. The petitioner states that his father passed away on 02.02.2001. It is alleged that a fraudulent power of attorney was created in his name in the year 2010. Based on the same, further transactions have taken place. The petitioner has submitted representation before the third respondent in this regard.

3. I am conscious that enquiries under Section 77A of the Registration Act cannot be conducted till the Larger Bench renders such decision. But the case on hand, will fall out side the purview of Section 77 A of the Act. The petitioner's case is that a power of attorney was registered in the name of a dead person and based on that transactions have been conducted. These are matters of fraud and impersonation. Such cases, when brought to the notice of the authority will have to be looked into. The third respondent is directed to conduct an enquiry and pass an appropriate orders on merits and in accordance with law, after notice to all the interested persons. Such an order shall be passed within a period of four months from the date of receipt of a copy of this order. I make it



W.P(MD)No.30738 of 2023

clear that I have not foreclosed the defences of the private respondents.

4. The learned counsel for the petitioner states that the complaint given before the Superintendent of Police, Madurai Rural, has been forwarded to the DCB II and that it is still pending there. The Inspector of Police, DCB-II, Madurai, is directed to conduct preliminary enquiry and if cognizable offence is made out, he shall register a FIR and take further action in the matter as per law.

5. The Writ Petition is disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

21.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

RM

Note : Issue order copy on 04.01.2024



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- 7.The Inspector of Police,
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W.P(MD)No.30738 of 2023

G.R.SWAMINATHAN, J.

RM

W.P(MD)No.30738 of 2023

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