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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4324 of 2024

Thilsath Begam ... Petitioner

Vs.

1. The Inspector General of Registration,
   O/o.the Inspector General of Registration,
   No.100, Santhome High Road,
   Foreshore Estate, Chennai – 28.

2. The Deputy Inspector General of Registration,
   O/o.Deputy Inspector General of Registration,
   Registration Department, Thanjavur,
   Thanjavur District.

3. The District Registrar(Administration),
   O/o.District Registrar(Administration),
   Registration Department, Thanjavur,
   Thanjavur District.

4. The Sub Registrar,
   Ayyampettai Sub Registrar Office,
   Registration Department,
   Ayyampettai,Thanjavur District.

5. Mumtaj Begam
6. S.A.J.Syed Athham Madhani
7. S.A.J.Syed Aktab Johny ... Respondents

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

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India, to issue a Writ of Mandamus, directing the respondent Nos. 3 to consider the petitioner's representation dated 31.10.2023 within a period stipulated by this Court.

For Petitioner : Mr.A.Abdulkabur

For R-1 to R-4 : Mr.M.Senthil Ayyanar,
Government Advocate.

* * *

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for respondents 1 to 4.

2. The petitioner is aggrieved by the execution of document No.1801 / 2010 on the file of the fourth respondent. In this regard, the petitioner gave a complaint and that the third respondent issued proceedings on 16.12.2022 labelling it as a fraudulent document. The petitioner wants action to be taken based on the said proceedings. The learned counsel appearing for the petitioner relies on the circular issued by the IG of Registration in this regard.

3. Since criminal action was not taken, the present writ petition came to be filed.

4. When the matter was taken up for hearing, the learned

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Government Advocate pointed out that the execution of document No.1801 / 2010 was cancelled by executing the document No.152 /2011 on 03.02.2011.

5. I am satisfied that since the offending document had already been cancelled, the authority is not obliged to initiate criminal action. In any event, nothing stopped the petitioner to initiate prosecution in this regard. This Court cannot compel the department to initiate criminal prosecution. Granting liberty to the petitioner to initiate prosecution and recording the stand of the authorities, this writ petition stands disposed of. No costs.

26.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

PMU

To:

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