



W.P(MD)No.341 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.341 of 2024

V.Velsamy

... Petitioner

Vs.

1.The District Registrar (Administration)
Madurai (South)
Madurai District.

2.M.Gopalakrishnan

3.A.Vijayalakshmi

4.G.Manikkam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order issued by the 1st respondent dated 27.09.2022 and quash the same as illegal, unsustainable and consequently direct the 1st respondent to cancel the registered power deed forged by the 2nd respondent dated 04.07.2008 bearing Document No. 325/BK/N of 2008 and the sale deeds executed by him infavour of the respondents 3 and 4 dated 10.09.2008 (bearing document no. 1487/2008) dated 23.10.2008 (bearing document No. 1875/2008) on the basis of the petitioner's representation dated 02.05.2023.



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For Petitioner : Mr.M.Ponniah

For Respondents : Mrs.D.Farjana Ghoshia
Special Government Pleader for R1

: Mr.S.V.Santha Kumaresan for R2

: Mr.Gowtham for R3

ORDER

Head the learned counsel for the petitioner and the learned Special Government Pleader for R1 and the learned counsel for the second respondent and the learned counsel for R3.

2. The case of the petitioner is that the power of attorney bearing Document No.325/BK/N of 2008 on the file of the SRO, Elumalai was not executed by him. His specific stand is that the said power of attorney executed in favour of the second respondent is a piece of forgery. According to him, it has been vitiated by impersonation. The petitioner lodged a complaint before the first respondent. The first respondent returned the complaint on the ground that the petitioner must furnish convincing material such as forensic report. I fail to understand as to how the petitioner can do so. The first respondent will be justified in only asking for an affidavit and testimony from the petitioner and



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nothing more. The petitioner has filed an affidavit before this Court that the aforesaid document was not executed by him and that it has been forged. Therefore, it is the duty of the first respondent to obtain forensic opinion.

3. The first respondent is directed to hold an enquiry in this regard. Before the first respondent, the petitioner as well as the second respondent will appear on 06.05.2024 at 03.00 pm. The second respondent will not receive any separate notice. On the said date, thumb impression samples will be taken from the petitioner as well as the second respondent. The petitioner before this Court admits that it was he who executed the three sale deeds namely bearing Document Nos.1360 of 2008, 1487 of 2008 & 1875 of 2008 on the file of the SRO, Sindhupatti. Therefore, the only point that has to be gone into is whether the Document No.325 of 2008 on the file of the SRO, Elumalai was executed by the petitioner herein. This can be very easily established by comparing the thumb impression of the petitioner and the thumb impression that is found in the relevant record of SRO, Elumalai. The first respondent will obtain forensic opinion by adopting the relevant procedures. Since I am not aware of the work load of the forensic lab, I am not decide to give time bound direction. The first respondent will however seek opinion and send a communication in this regard within a period of six weeks from the date of receipt of copy of this order. If



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the forensic opinion confirms the petitioner's allegation, the first respondent will take steps to cancel the sale deeds executed by the second respondent. A case of this nature will fall outside the scope of Section 77A of the Registration Act. The first respondent will also initiate criminal prosecution in that regard. Of-course, the purchasers will be figuring only as witnesses in the said prosecution.

4. The Writ Petition is disposed of accordingly. No costs.

10.04.2024

Index : Yes / No
Internet : Yes/ No
rmi

To

The District Registrar (Administration)
Madurai (South)
Madurai District.



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G.R.SWAMINATHAN, J.

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