



WEB COPY

1/18

WP No. 10658 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 10658 of 2025

Prameelamma Vadlaputi

Petitioner(s)

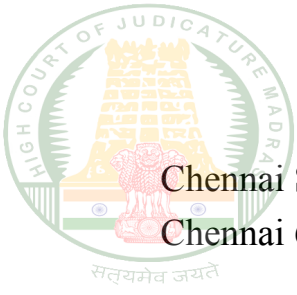
Vs

1.The Inspector General of Registration
Officer of the Inspector General of
Registration
Santhome High Road,
Santhome,
Chennai.

2.The District Registrar
(Administration)
Central Chennai,
Fanepet,
Nandanam, Chennai-600 035

3.The Sub Registrar
Joint Sub Registrar 2
Chennai Central, Thousand Lights
Chennai 600 041

4.The Sub Registrar
Joint Sub Registrar 1,



Chennai South,
Chennai 600 041.

WEB 5.S.Sabari

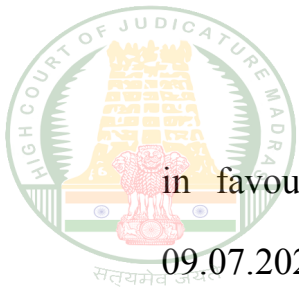
6.Kotak Mahindra Bank Ltd.,
Home Loan Division,
141, TVH Agnito Park, 8th Floor,
Old Mahabalipuram Roadm
Kandanchavadi,
Chennai 600 096

7.The Unique Identification Authority
Of India (UIDAI),
Represented By Its Chairman,
Khanija Bhawan,
No.49, III Floor,
South Wing, Race Course Road,
Bengaluru - 560 001.

Respondent(s)

(R7-suo motu impleaded as per order dated 25.03.2025 In WP.No.10658 of 2025)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, to declare the fraudulent, fabricated Deed of Power of Attorney bearing Doc no. 610/2021 dated 09.07.2021 on the file of the 3rd respondent by impersonation as null and void and further declare the other document namely, Sale Deed bearing Doc No. 11340/2021 dated 16.09.2024, Mortgage Deed bearing Doc No.11341/2021 dated 21.09.2021, Discharge Receipt bearing Doc No.9233/2022 both dated 17.06.2022 and Mortgage Deed bearing Doc no. 11674/2022 dated 04.08.2022 on the file of the 4th respondent



in favour of 6th respondent through the said Power of Attorney dated 09.07.2021 created by impersonation as null and void .

WEB COPY

For Petitioner(s): Mr.V.P.Sengottuvel
for Mr.K.R.Nishanth

For Respondent(s): Mr.U.Baranidharan
Special Government Pleader
for R1 to R4
Mr.M.Arunachalam for R6
Mr.A.R.L.Sundaresan
Additional Solicitor General
assisted by
Mr. K.Srinivasa Murthy
Standing Counsel for R7

ORDER

When this writ petition came up for hearing on 25.03.2025, this Court passed the following order:

*The Unique Identification Authority of India [UIDAI],
Represented by its Chairman, Khanija Bhawan, No.49, III Floor,
South Wing, Race Course Road, Bengaluru - 560 001, is suo
motu added as seventh respondent in this writ petition.*

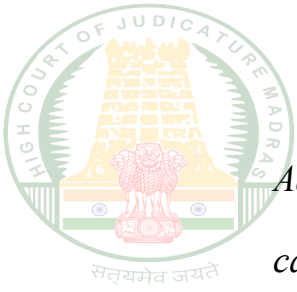
*2. Mr.U.Baranidharan, learned Special Government
Pleader takes notice on behalf of respondents 1 to 4.*



WEB COPY

Mr.K.Srinivasamurthy, learned counsel takes notice on behalf of the impleaded seventh respondent. Notice to respondents 5 and 6 returnable by 15.04.2025. Private notice is also permitted.

3. The specific case of the petitioner is that the subject property belonged to her husband by virtue of a registered sale deed dated 07.02.1981. Her husband died leaving behind the petitioner, three sons and a daughter on 23.01.2017. The grievance of the petitioner is that her husband who was not even alive, was impersonated and a fake/fraudulent Power of Attorney dated 09.07.2021 came to be registered. Based on the same, a sale deed came to be registered dated 16.09.2021 in favour of the fifth respondent. The fifth respondent on the very same day, mortgaged the property with Canara Bank by depositing the title deeds and this document was registered as Document No.11341/2021. This loan was later discharged under receipt dated 17.06.2022. On coming to know of the same, a complaint was given to the police and an FIR came to be registered in Crime No.7/2023, which is pending investigation by CCB, Team-1. Totally six accused persons were arrested in this case and some of them were detained under Act 14 of 1982. The Aadhaar card that stood in the name of petitioner's husband carries Aadhaar number 8146 1471 0439 and whereas the fake



Aadhaar Card found at page No.42 of the typed set of papers carries the number 6027 0928 0216.

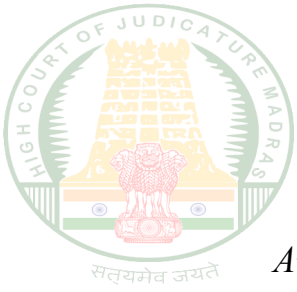
WEB COPY

4. The learned counsel appearing on behalf of the impleaded seventh respondent shall take written instructions with respect to the genuineness of the alleged fake Aadhaar card No.6027 0928 0216 that was produced before the third / fourth respondent.

5. Post this writ petition along with W.P.No.1062 of 2025, W.P.No.8801 of 2025 and W.P.No.10273 of 2025 under the caption 'for orders' on 15.04.2025. In the meantime, there shall be a direction to the respondents 3 and 4 not to entertain registration of any document pertaining to the subject property, pending disposal of the writ petition.

2.Pursuant to the above order, notice was sent to the 6th respondent Bank and the 6th respondent Bank is also represented through a counsel.

3.The impleaded 7th respondent has filed an affidavit and the relevant portions are extracted hereunder:



WEB COPY

9. *It is submitted that the only provision which enables the Authority to disclose the identity information or authentication records of the resident is Section 33 of the Aadhaar Act {read with Regulation 3 of the Aadhaar (Sharing of Information) Regulations, 2016}, which states that the identity information or authentication records of an Aadhaar Number Holder (defined below) can be disclosed by the Authority only after an order to that effect which is passed by the Judge of a High Court. The said Section 33 (1) also provides that such Order of disclosure can only be passed after an opportunity of hearing is provided to the Authority and the concerned Aadhaar Number Holder.*

Section 33- Disclosure of information in certain cases:-

*(1) Nothing contained in sub-section (2) or sub-section (5) of section 28 or sub-section (2) of section 29 shall apply in respect of any disclosure of information, including identity information or authentication records. made pursuant to an order of a court not inferior to that of a [Judge of a High Court]:
Provided that no order by the court under this sub-section shall be made without giving an opportunity of hearing to the Authority [and the concerned Aadhaar*



WEB COPY



number holder]:

[Provided further that the core biometric information shall not be disclosed under this sub-section.]

10.As per Aadhaar (Sharing of Information) Regulations, 2016, Chapter II Restrictions on Sharing of Identity information states as under:

Regulation 3- Sharing of information by the Authority:-

(4) The Authority may share demographic information and photograph. and the authentication records of an Aadhaar number holder when required to do so in accordance with Section 33 of the Act.

11. The term "Aadhaar Number Holder" as stated under the aforesaid Regulation 3 (4) of the Aadhaar (Sharing of Information) Regulations, 2016 is defined under Section 2 (b) of the Aadhaar Act: -

Section 2 (b) - Aadhaar number holder means an individual who has been issued an Aadhaar Number under this Act.



WEB COPY

12. That while dealing with the purport of the aforesaid section 33 (1) of the Aadhaar Act, 2016 (as amended) the Constitution bench of the Hon'ble Supreme Court of India in the case of Justice K.S. Puttaswamy & Anr. vs. Union of India & Ors. reported as 2019 1 SCC 1 had observed as under-

"Para 344 at page 420-421 We, therefore, clarify the provisions of sub-section (1) of Section 33 by reading into the provisions that an individual whose information is sought to be released shall be afforded an opportunity of hearing. There is a reasonable presumption that the said court shall take into consideration relevant law including Article 20(3) of the Constitution as well as privacy rights or other rights of that person before passing such an order. Moreover, a person in respect of whom order is passed shall also be heard and will have right to challenge the order in a higher forum. Not only this, proviso to Section 33(1) puts an additional safeguard by providing that even UIDAI shall be heard before an order is passed to this effect by the Court. In that sense, the Authority is to act as trustee and it may

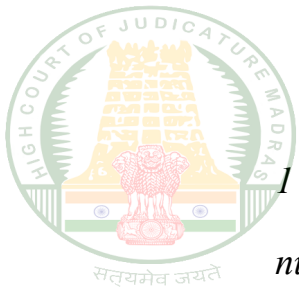


WEB COPY



object to passing of the order by the court. Such a happening is actually taken place. We have already noticed that against the order of the High Court of Bombay in some criminal proceedings, order was passed directing the Authority to give biometric information of a person, the Authority had filed Special Leave Petition (Criminal) No. 2524 of 2014 challenging the said order on the ground that giving of such biometric information was contrary to the provisions of the Aadhaar Act as the information was confidential. This Court stays the operation of the said order which depicts that there are sufficient safeguards provided in sub-section (1) of Section 33 itself."

13. It is also submitted that under such circumstances any disclosure of information pertaining to such Aadhaar number holder without giving an opportunity of hearing to him under section 33(1) would not only be in violation of the mandate of the Aadhaar Act, 2016 (as amended) but would also further erode the very purpose of the judgement passed by the Constitution bench of the Hon'ble Supreme Court in Justice K.S. Puttuswamy (Retd.) and Anr. Vs Union of India reported as 2019



WEB COPY

1 SCC 1 as per which a prior hearing to the concerned Aadhaar number holder is inevitable. It is also submitted that disclosure of any Information without giving an opportunity of hearing to the concerned Aadhaar number holder would be in violation of Article 20(3) of the Constitution as well as the privacy rights or other rights of that person(s).

14. It is submitted that in view of the aforesaid provisions and judgment, it can be summarized that disclosure of identity information or authentication records other than core biometric (iris, fingerprints) can only be made, pursuant to an order of Judge not inferior to that of a High Court, after providing an opportunity of hearing to the said Authority and the concerned Aadhaar Number Holder.

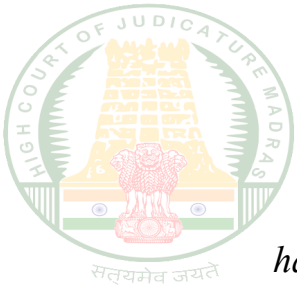
15. It is further submitted that Aadhaar Number is generated by submitting the demographic and biometric information and the same is issued digitally signed by UIDAI which can be verified on the secure QR CODE. Secure QR CODE contains Ref Id, Name, Gender, DOB, Mobile, Email, Address, Photograph and 2048-bit digital signature. Aadhaar QR Code is available on Aadhaar Letter, e-Aadhaar and m-Aadhaar can be read through mobile Apps.



WEB COPY

16. Further, as stated in para 4 and para 5 above, Aadhaar and its platform offers a unique opportunity for the government to streamline its delivery mechanism under welfare schemes, thereby ensuring transparency and efficiency. The use of Aadhaar as an identity document enables beneficiaries to get their entitlements directly in a convenient and seamless/hassle free manner by obviating the need to produce multiple documents to prove one's identity. Aadhaar Number is not used to track other activities of the resident.

17. In the light of the legal provisions of the Aadhaar Act, 2016 (as amended) and the judgement of the Hon'ble Supreme Court of India passed in Writ Petition No. 494 of 2012 [Justice K.S. Puttaswamy (Retd.) and Another Vs Union of India and Others], it is respectfully ad submitted that sharing of the information without hearing the concerned Aadhaar Number Holder i.e. Aadhaar Number xxxx-xxxx-0216 shall violate the privacy of that person under Section 33 (1) of the Aadhaar Act. Hence, it is prayed that an appropriate direction in accordance with the above-mentioned provisions may be passed, as deemed fit by this Hon'ble Court that would enable this respondent to act accordingly.



WEB COPY

18. It is humbly submitted that in the meanwhile, UIDAI has initiated action as per Regulation 28 of Aadhaar (Enrolment and Update) Regulation, 2016 to deactivate the Aadhaar Number xxxx-xxxx-0216 mentioned in the Order dated 25.03.2025.

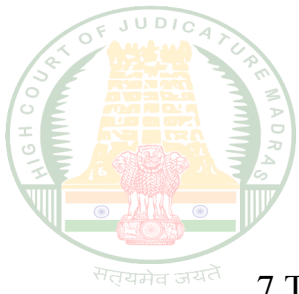
4.The learned counsel appearing on behalf of the 6th respondent Bank submitted that the 5th respondent had created a mortgage over the subject property by depositing the title deeds and since the loan amount was not settled, proceedings have been initiated before the Debt Recovery Tribunal – III, Chennai and it is pending in O.A.No.163 of 2024. The learned counsel submitted that the 6th respondent Bank was not aware of the fact that fabricated documents were used for the purpose of getting loan and creating the mortgage. Hence, it was submitted that the interest of the 6th respondent must be safeguarded in order to initiate proceedings as against the 5th respondent to recover the loan.

5.In reply to the above submission, the learned Senior Counsel for the petitioner submitted that this is a clear case of impersonation and fabrication of



documents. The learned Senior Counsel submitted that the fraudulent Power of Attorney Document by impersonating the husband of the petitioner was created in the year 2021 and whereas, the husband of the petitioner had died in the year 2017 itself. The learned Senior Counsel submitted that if at all, the 5th respondent had cheated the Bank and had taken loan by mortgaging the fabricated documents, the Bank has to initiate proceedings against the 5th respondent and the property belonging to the petitioner cannot be proceeded against based on those fabricated documents.

6.The learned Additional Solicitor General appearing on behalf of the impleaded 7th respondent while reiterating the stand taken by the 7th respondent in the affidavit, submitted that if this Court issues directions, the particulars regarding Aadhaar Nos.8146 1471 0439 and 6027 0928 0216 will be provided to the police which is investigating Crime No.7 of 2023 in a sealed cover. The learned Additional Solicitor General submitted that this will enable the police to progress with the investigation and only upon such directions issued by this Court in line with the judgement of the Justice ***K.S.Puttaswamy*** case, such particulars can be furnished to the police.



WEB COPY

7. Taking into consideration the facts and circumstances of the case and considering the submissions made on either side, this Court holds that the Deed of Power of Attorney dated 09.07.2021 registered as Document No.610 of 2021, Sale Deed dated 16.09.2021 registered as Document No.11340 of 2021, Mortgage Deed dated 21.09.2021 registered as Document No.11341 of 2021, Discharge Receipt dated 17.06.2022 registered as Document No.9233 of 2022 and the Mortgaged Deed dated 04.08.2022 registered as Document No.11674 of 2022 are declared as illegal and non est in the eye of law. The 3rd and 4th respondents are directed to make the necessary entry in the Encumbrance Register by referring to the order passed in this writ petition and cancel all the entries pertaining to the above documents. This process shall be completed by the 3rd and 4th respondents, within a period of two weeks from the date of receipt of copy of this order. Insofar as the 6th respondent Bank is concerned, it is left open to the 6th respondent Bank to individually proceed against the 5th respondent and recover the loan amount. There shall also be a direction to the impleaded 7th respondent to provide the particulars pertaining to the Aadhaar



Nos.8146 1471 0439 and 6027 0928 0216 to the Investigation Officer of CCB,

Team-1, Chennai investigating Crime No.7 of 2023 in a sealed cover. The

investigation shall be completed, as expeditiously as possible and the police

report shall be filed before the concerned jurisdictional Court.

8.In the result, this writ petition stands allowed with the above directions.

No Costs.

15-04-2025

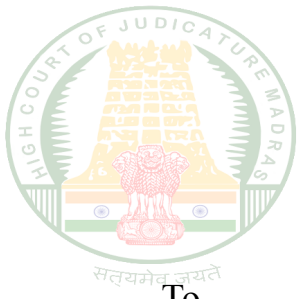
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



To
WEB COPY

1. The Inspector General of Registration
Officer of the Inspector General of
Registration
Santhome High Road,
Santhome,
Chennai.

2. The District Registrar
(Administration)
Central Chennai,
Fanepet,
Nandanam, Chennai-600 035

3. The Sub Registrar
Joint Sub Registrar 2
Chennai Central, Thousand Lights
Chennai 600 041

4. The Sub Registrar
Joint Sub Registrar 1,
Chennai South,
Chennai 600 041.

5. Kotak Mahindra Bank Ltd.,
Home Loan Division,
141, TVH Agnito Park, 8th Floor,
Old Mahabalipuram Roadm
Kandanchavadi,
Chennai 600 096



6. The Unique Identification Authority
Of India (UIDAI),

Represented By Its Chairman,
Khanija Bhawan,
No.49, III Floor,
South Wing, Race Course Road,
Bengaluru - 560 001.

WEB COPY



WEB COPY

18/18

WP No. 10658 of 2



N.ANAND VENKATESH J.

SSR

WP No. 10658 of 2025

15-04-2025