



WEB COPY

WP No. 2113 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No. 2113 of 2026

S.Arumugam
S/o.R.Sankara Mudaliar,
9A, Vinayaga Avenue,
Mehta Nagar Ext,
Kundrathur,
Chennai-600 069

..Petitioner(s)

Vs

1. Inspector General of Registration
No.100, Santhome High Rd,
RA Puram,
Chennai-600 028
2. The Deputy Inspector General
Registration Department,
Chennai zone,
Integrated building for commercial Taxes
and Registration Department,
Nandanam,
chennai-600 035
3. The District Registrar chennai south
Integrated building for commercial taxes and
Registration Department,
Nandanam,
Chennai-600 035
4. The Sub Registrar-T.Nagar
Anna Salai, Fanepet,
Nandanam
Chennai-600 035



5. Senthil kumaran
S/o.A.V.Lakshmanan,
No.103A, LDG street,
Little Mount,
Saidapet,
Chennai-600 015

6. Soughath Rana
W/o.Senthil Kumaran,
Flat F2, Kala Brindavan Apartments,
Block No.1, Nos 16,17, Thalayari street,
West Mambalam,
Chennai-600 033

..Respondent(s)

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari, calling for the records and quash the order vide Letter No.4233/A1/2021 dated 29.9.2025 passed by 2nd respondent confirming the order vide Ka.No.16464/E2/2019 dated 14.9.2020 passed by the 3rd respondent consequently directing the 3rd respondent to initiate prosecution on the 5th and 6th respondents in accordance with sec 83 of the Registration Act 1908 and grant such other or further reliefs in the nature of the case.

For Petitioner(s): Mr.V.Arunagiri

For Respondent(s): Mr.U.Baranidharan,
Special Government Pleader
for R1 to R4



ORDER

Alleging that the agent under power of attorney dated 05.03.1999 exceeded the scope of authority and executed several conveyances between the years 2000 and 2005, the petitioner lodged a complaint dated 14.10.2019 before the District Registrar and requested for cancellation of such conveyances. The request was declined under order dated 14.09.2020 by leaving it open to the petitioner to approach the jurisdictional civil court. The matter was carried in appeal before the second respondent. The appeal was rejected under impugned order dated 20.09.2025.

2. Referring to the operative paragraph of the impugned order, learned counsel for the petitioner submits that the second respondent issued the impugned order under the misconception that the petitioner had applied under Section 77A read with 68(2) of the Registration Act, 1908. He submits that the order is liable to be interfered with because the second respondent did not correctly appreciate the scope of Section 83.

3. Mr.U.Baranidharan, learned Special Government Pleader, accepts notice for respondents 1 to 4. By referring to the petitioner's application dated 14.10.2019 before the third respondent, he points out that the petitioner had



applied for cancellation of the documents. In view thereof, he submits that both the orders contain no infirmity.

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4. On perusal of the affidavit in support of this writ petition, it appears that the case of the petitioner is that Will dated 31.03.1993 was executed and registered by the petitioner's father. On account of not obtaining letters of administration or probate, the petitioner asserts that the Will is invalid. Because the power of attorney was executed on the basis of such Will, it is asserted that the power of attorney is invalid. The petitioner seeks an inquiry and cancellation of conveyances executed by the agent on the basis of such power of attorney.

5. After executing a power of attorney on the basis of Will dated 31.03.1993, the petitioner has filed this writ petition in 2026 seeking reversal of transactions that took place between the years 2000 and 2004 on the basis of the power of attorney. There is no reason to exercise discretionary jurisdiction in favour of the petitioner. Even otherwise, as pointed out by learned Special Government Pleader, the request dated 14.10.2019 was for cancellation of conveyances. Therefore, there is no infirmity in the order declining the request by referring to the judgment holding Section 77A and Section 68(2) as unconstitutional in *M.Kathirvel v. Inspector General of Registration and Others*, 2024(4) CTC 769.



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6. For reasons set out above, this writ petition is dismissed without any order as to costs.

03-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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