

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.18039 of 2016

and

WMP.No.15826 of 2016

D.Vinoth Kumar

... Petitioner

Vs.

The Sub Registrar,
O/o.The Sub Registrar Office,
No.12/1, Velan Nagar,
Maniyagaaran Paalayam Road,
Ganapathi,
Coimbatore 641 006.

... Respondent

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondent to cancel the sale deed registered in Document No.211/2016 dated 14.01.2016 in respect of the petitioner's property on considering the petitioner's representation dated 01.04.2016.

For Petitioner : Mr.R.Shanmugam

For Respondent : Mr.P.Sanjay Gandhi, AGP

सत्यमेव जयते
O R D E R

The petitioner has filed the present writ petition for a direction to the respondent to cancel the sale deed registered as Document No.211/2016 dated 14.01.2016, based on his representation dated 01.04.2016.

2. The grievance of the petitioner is that he is entitled for share in respect of the property in S.Nos.381/3, 382/1 and 381/2b at Thannerpandhal, Vilanguruchi, Coimbatore, as per the decree dated 28.09.2004 made in O.S.No.1069 of 1997 on the file of the Principal Sub Court, Coimbatore. While so, the petitioner's aunt viz., K.Janaki and K.Kamalam have executed a

general power of attorney to and in favour of one Radhakrishnan and the same was registered as Document No.323/BK4/1997. Subsequently, they have cancelled the said power of attorney on 31.12.2015 and the same was informed to the power agent. However, the said Radhakrishnan on the strength of the power of attorney, sold the property by a sale deed registered as Document No.211 of 2016 dated 14.01.2016. Aggrieved over the illegal act of the power agent, the petitioner made a representation on 01.04.2016 to the respondent requesting to cancel the sale deed. Since no action has been taken by the respondent, the petitioner has come up with the present writ petition.

3. Heard Mr.R.Shanmugam, learned counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondent.

4. Though the petitioner has sought for a larger relief in this writ petition, considering the facts and circumstances of the case, without going into the merits of the claim made by the petitioner, this Court directs the respondent to consider the representation of the petitioner dated 01.04.2016 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as all the necessary parties, if any, within a period of eight weeks from the date of receipt of a copy of this order and communicate the said decision to the petitioner.

5. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Vacation Officer.

/true copy/
सत्यमेव जयते

Sub Asst. Registrar.

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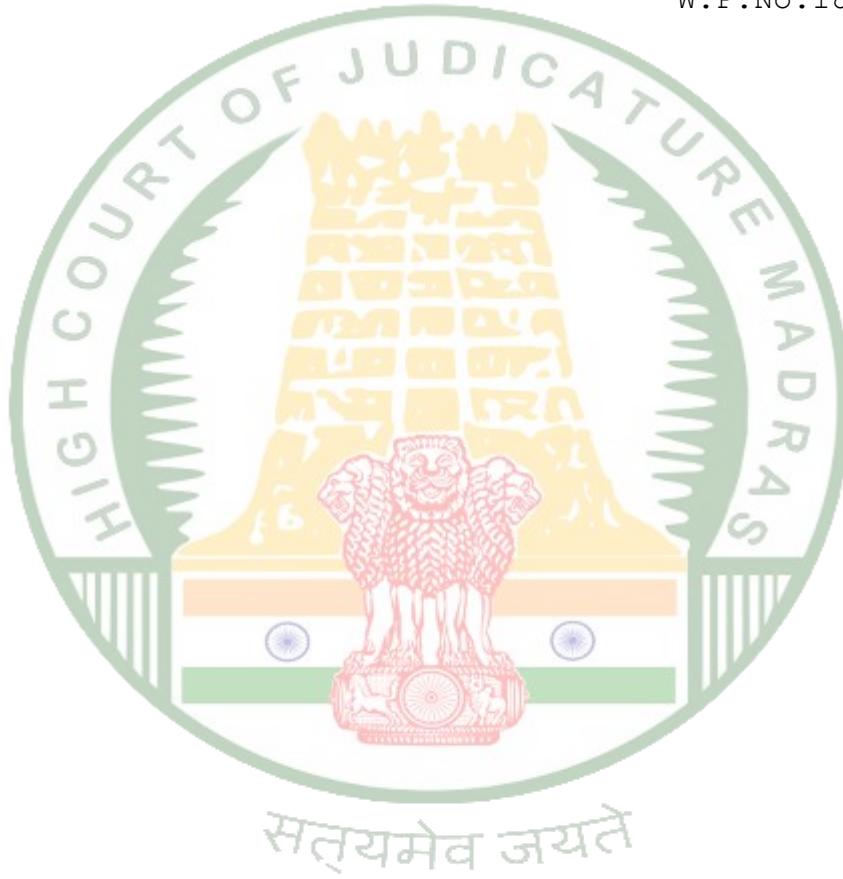
To
The Sub Registrar,
No.12/1, Velan Nagar,
Maniyagaaran Paalayam Road,
Ganapathi, Coimbatore 641 006.

+1cc to Mr.R.Shanmugam,Advocate SR.No.28435

+ 1 CC to the Government Pleader SR NO 28435

W.P.No.18039 of 2016

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