

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.34840 of 2016

and

W.M.P.No.29993 of 2016

Paul Dayanandh Lloyd ... Petitioner

Versus

1. The District Registrar (Administration)
Office of the District Registrar,
Chengalpat.
2. Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai - 600 004.
3. Paul Devanandh Lloyd
4. Jaya Harirajan ... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorarified mandamus, to call for the records of the first respondent made in Ka.No.2104/AA3/2016 dated 13.06.2016 and quash the same and direct the 1st respondent to cancel the registration of sale deed dated 08.05.1998 registered as Doc. No.1042/1998 and sale deeds dated 22.03.2001 & 22.03.2001 and registered as Doc.No.680 & 681/2001 in the office of the SRO, Thiruporur on the basis of the petitioner's representation dated 02.06.2016 on a date fixed by this Court.

For Petitioner : Mr.P.Gunaraj
For R1 and R2 : Mr.S.V.Durai Solaimalai,
Additional Govt. Pleader

ORDER

The petitioner purchased the lands measuring 90 cents comprised in Survey No.19/6 at Kunnukaddu Village, Chengalpat Taluk, Kanchipuram District along with the larger extent of 2.55 acres, from one Mohanan and others by way of sale deed dated 13.01.1986. The petitioner subsequently executed a power of attorney in favour of his father, namely, Lloyd S.Samuel, for

the said lands. According to the petitioner, his brother, namely, Paul Devanandh Lloyd, by misusing the said power of attorney along with his father played a fraud and misappropriation. On knowing the same, the petitioner cancelled the Power of Attorney on 26.05.1995 and intimated the same to his father. After cancelling the said Power of Attorney, the petitioner's brother instigated his father, who has no power to sell the lands, to execute a sale deed dated 08.05.1998 in his favour in respect of the petitioner's lands with a view to grab his lands. While so, the petitioner's father died on 22.02.2001. Thereafter, the petitioner's brother had sold the lands measuring 14.41 cents comprised in S.No.19/6 each to one Jaya Harirajan, who is the fourth respondent by way of two sale deeds dated 22.03.2001. Hence, the petitioner submitted a petition dated 02.06.2016 before the respondents to cancel the registration of the sale deed dated 08.05.1998 executed in favour of his brother and other two sale deeds dated 22.03.2001. But, the same was rejected by the respondents without conducting any enquiry as contemplated under the Registration Act, hence, the petitioner has come up with this writ petition..

2. The learned Additional Government Pleader submitted that the writ petition is not maintainable as there is an alternative remedy available for the petitioner to file an appeal before the appellate authority against the impugned order.

3 Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for respondents 1 and 2.

4. Having regard to the submission of the learned Additional Government Pleader that as against the impugned order there is an alternative remedy available before the appellate authority but without exhausting the same, the petitioner has filed the present writ petition, without expressing any opinion on merits, the present writ petition is disposed of with liberty to the petitioner to file an appeal before the Appellate Authority, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The District Registrar (Administration)
Office of the District Registrar,
Chengalpat.

2. Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai - 600 004.

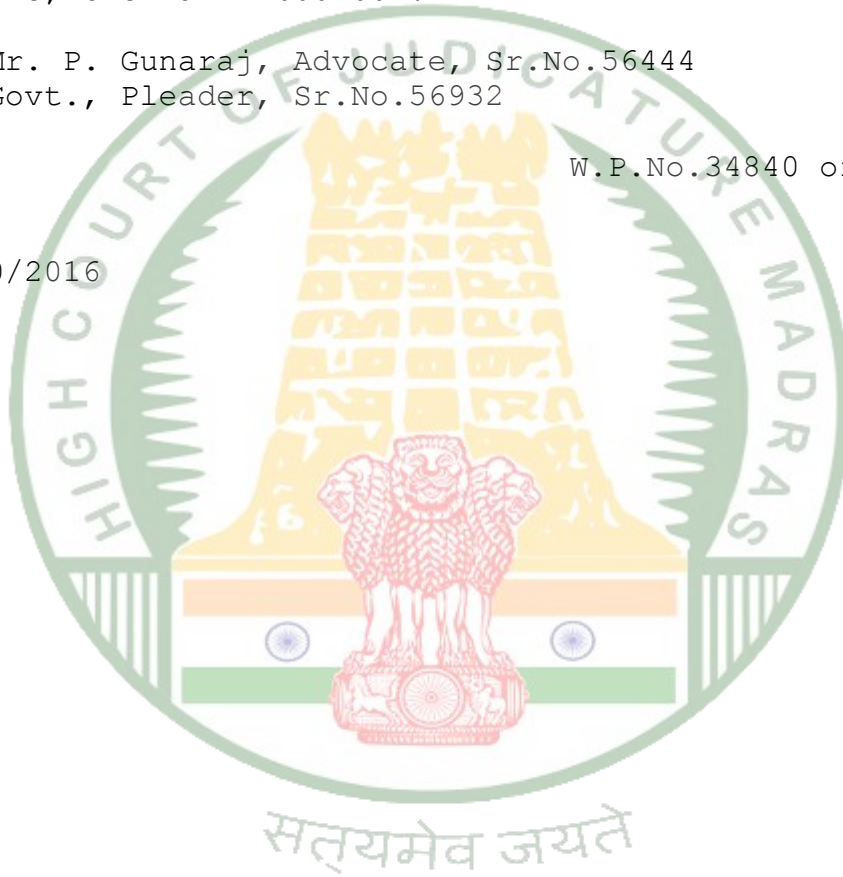
+1 CC to Mr. P. Gunaraj, Advocate, Sr.No.56444

+1 CC to Govt., Pleader, Sr.No.56932

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TRM (CO)

MD : 04/10/2016



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