



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASANW.P(MD)No.10 of 2018

WEB COPY

1.Jothilakshmi
2.Jothikalyani

... Petitioners

Vs.

1.The Sub Registrar,
Sayalkudi Sub Registrar Office,
Sayalkudi Town,
Kadaladi Taluk,
Ramnad District.

2.R.Gopalakrishnan

3.Murugan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 1st respondent in Na.Ka.No.179/2017 dated 06.12.2017 and quash the same and consequently the 1st respondent may be direct to delete or remove the entry, as made in the 1st respondent's office in favour of the 3rd respondent as Document No.1151/2010 dated 20.09.2010, in respect of our 15 cents vacant land, which is situated in S.R.No.228/8 in Sayalkudi Village, Kadaladi Taluk, Ramnad District.

For Petitioners : Mr.V.Lakshmanan

For 1st Respondent : Mr.P. Kannithevan

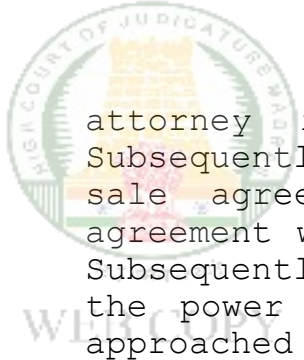
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order refusing to remove the encumbrance made in the revenue records.

2.Heard, Mr.V.Lakshmanan, learned counsel for the petitioner and Mr.P. Kannithevan, Additional Government Pleader appearing for the first respondent. Notice to the respondents 2 and 3 is dispensed with in view of the nature of the order to be passed by this court.

3.According to the petitioners they are the owner of the land in survey No.228/8 in Sayalkudi Village, Kadaladi Taluk, Ramnad District, to an extent of 30 cents and they have given power of



attorney in favour of the second respondent on 19.10.2007. Subsequently on 20.09.2010, the second respondent entered into a sale agreement with the third respondent and the above sale agreement was also registered and encumbrance made in the Register. Subsequently on 04.04.2017, the petitioners said to have cancelled the power deed stood in favour of the second respondent and he approached the Sub Registrar to delete the entry made in the register. The first respondent has refused to delete the entry on the ground that he has no power to do so. Challenging the said order, the petitioners have filed this Writ Petition.

4. Admittedly, the sale agreement has been executed by virtue of a valid Power of Attorney, by the second respondent herein in favour of the third respondent. Subsequently, after the sale agreement, only the power deed stood in favour of the second respondent has been cancelled by the petitioner.

5. In the above circumstances, the sale agreement entered into between the second and third respondent cannot be considered as a fraudulent transaction.

6. In the above circumstances, the 1st respondent cannot conduct enquiry to cancel it and delete the encumbrance. The first respondent has rightly held that he has no power to delete any entry made in the register as he has not authorised. In such circumstances, I find no illegality in the order passed by the first respondent.

7. Accordingly this writ petition is dismissed. No Costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To
Sub Registrar,
Sayalkudi Sub Registrar Office,
Sayalkudi Town,
Kadaladi Taluk, Ramnad District.
+One cc to Mr.V.Lakshmanan, Advocate, SR.No.41180
+One cc to The Special Government Pleader, SR.No.41035

pnn/kmi
RL/4C/2P/KK/SAR1/7/2/2018

ORDER MADE IN

W.P (MD) No.10 of 2018

08.01.2018