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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.02.2020
CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.15285 of 2003
and
W.M.P.No.202 of 2013

A.Arunagiri

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Commercial Taxes Department,
Fort. St.George, Chennai-9.

2.The District Registrar,
Chennai Central,
Chennai-18.

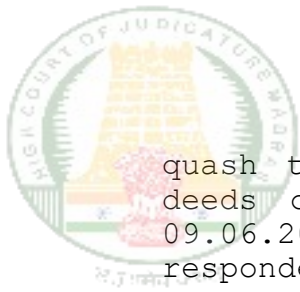
3.The Sub-Registrar,
Mylapore,
Santhome High Road,
Chennai-4.

4.S.M.Nizamuddin Fakhri (Deceased),
5.S.M.Azam Abdul Khader Fakhri
6.S.M.Shahbuddin Fakhri
7.S.M.Naseefuddin Fakhri
8.S.M.Kamaluddin Fakhri
9.S.M.Naseeruddin Fakhri (Deceased)
10.S.M.Abdul Khader Fakhri
11.S.M.Abdul Naseer Fakhri
12.P.Dharamchand
13.Ghousia Begum
14.Shameen Fakhri
15.Fathima Zahra Naveen
16.S.M.Naser Fakhri

... Respondents

[R13 to R16 substituted as LRs in
the place of deceased 4th and 9th
respondents as per order of this
Court 17.07.2013 in W.M.P.No.394 of
2012 in W.P.No.15285 of 2003.

Prayer:- Writ petition has been filed under Article 226 of the
Constitution of India praying for the issuance of Writ of
Certiorari Mandamus, to call for the records on the file of the
second respondent in Appeal No.2 of 2003 dated 12.03.2003 and



quash the same and direct the 3rd respondent to set aside the deeds of cancellation registered under Doc.No.711/2003, dated 09.06.2002 registered on 28.03.2003 in the file of the 3rd respondent.

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For Petitioner : M/s.J.Surendra Babu

For R1 to R3 : M/s.T.M.Pappiah
Special Government Pleader

For R5 to R8 &
R4 to R12 : Mr.R.Natarajan

ORDER

In the present case, the respondents 4 to 11 appointed the 12th respondent as their Power of Attorney by an unregistered Power of Attorney dated 14.05.2002 and the 12th respondent has attempted to cancel the sale deed executed in favour of the petitioner by cancellation deed dated 09.06.2002 on 10.06.2002. The 3rd respondent has refused to register the deed of cancellation under Refusal Nos.27 of 2002, dated 26.12.2002. Against which, the 12th respondent preferred an appeal to the 2nd respondent and the 2nd respondent has ordered registration of cancellation of sale deed in Appeal No.2 of 2003, dated 12.03.2003 and the 3rd respondent has admitted the deed of cancellation and registered it as Doc.No.711 of 2003, dated 09.06.2002. Aggrieved over the same, the petitioner has filed this present Writ Petition.

2.The learned counsel for the petitioner would submit that the 2nd respondent ordered registration of cancellation of sale deed without express consent of the petitioner as per G.O.Ms.150, Commercial Taxes, dated 22.09.2000. He would further submit that the very same dispute with regard to cancellation of sale deed, the respondent has filed a Civil Suit in C.S.No.72 of 2002 before this Court and hence, this Court may permit the petitioner to raise all the issues in the said suit and also made an endorsement as follows:-

"The points urged in W.P.Nos.15228 2002, 15579, 15613, 15285, 15289, 15303, 15573 & 24515 of 2003 may be canvassed in C.S.No.72 of 2002."



3.The learned counsel for the respondents would submit that they have no objection to grant liberty to the petitioner to canvass all the issues before the civil court.

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4.Recording the submission made by the learned counsel for the petitioner, the Writ Petition stands disposed of, by giving liberty to the petitioner to work out his remedy before the civil court for necessary relief in the manner recognized by law. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vv2

To

1.The Secretary to Government,
Commercial Taxes Department,
Fort. St.George, Chennai-9.

2.The District Registrar,
Chennai Central,
Chennai-18.

3.The Sub-Registrar,
Mylapore,
Santhome High Road,
Chennai-4.

W.P.No.15285 of 2003

MP(CO)
nvi/27.05.2020



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