



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.8195 of 2010

Ravi @ Shanmughasundaram

...Petitioner

Vs.

1.The District Registrar,  
Registration Department,  
Chengleput District.

2.The Sub-Registrar,  
Thirukazhukundram Registration Office,  
Kancheepuram District.

3.E.Balasundaram

4.A.Jagada

5.R.Ganapathy

[R-3 to R-5 impleaded as per order dated 22.10.2010  
in M.P.No.1 of 2010 in W.P.No.8195 of 2010]

6.E.Radhakrishnan

7.G.Muniyamma

8.G.Thangavel

9.G.Mahendran

10.G.Poongothai

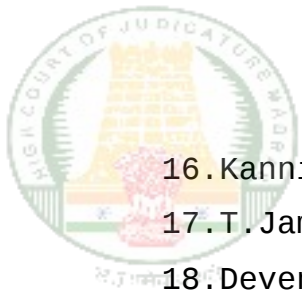
11.E.Kumarasamy

12.B.Logambal @ Loganayagi

13.L.Thayarammal

14.Radha

15.Sundari



- 16.Kanniyammal  
17.T.Jambulingam  
18.Devendran  
19.Neelavathi  
20.Ellammal  
21.A.Nithya  
22.A.Prakash  
23.A.Vijay  
24.Krishnan  
25.Saroja  
26.Mekkavan  
27.A.Thangammal  
28.A.Vijayarangan  
29.A.Pugalvandhan  
30.A.Ganesan  
31.Mallika  
32.Padmavathi  
33.Chinnammal  
34.G.Subramani  
35.G.Krishnan  
36.Kamatchi  
37.Prakash  
38.Saraswathi  
39.Prabu

[R-6 to R39 are impleaded as per order dated 16.02.2018  
in W.M.P.No.65 of 2016 in W.P.No.8195 of 2010]

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent made in No.6194/A1/2009, dated 04.11.2009 and consequently order passed by the second respondent herein made in Na.Ka.No.318/2009-1 dated 16.12.2009



and quash the same as illegal and direct the respondents to register and deliver the pending document Nos.128, 129 and 130 after receipt of the deficit stamp duty submitted by the petitioner on 20.08.2009 on the file of the second respondent herein.

For Petitioner : Mr.M.Rajendran

For Respondents : Mr.M.R.Gokul Krishnan  
Government Advocate (for R-1 & R-2)

: Not Ready in Notice  
(No Appearance) (for R-3 to R-39)

#### O R D E R

This Writ Petition has been filed seeking to call for the records relating to the impugned order passed by the first respondent made in No.6194/A1/2009, dated 04.11.2009 and the order passed by the second respondent herein made in Na.Ka.No.318/2009-1 dated 16.12.2009 and quash the same as illegal and direct the respondents to register and deliver the pending document Nos.128, 129 and 130 after receipt of the deficit stamp duty submitted by the petitioner on 20.08.2009 on the file of the second respondent herein.

2. The case of the petitioner is that he purchased the property comprised in Survey No.165/1A to an extent of 0.57 cents situated at Venkampakam Village, Thirukalukundram Taluk, Kancheepuram District from the power of attorney of the original owner and presented the sale deed for registration on 20.08.2009. Thereafter, the original owner of the said property informed the respondents that the power of attorney executed in favour of one Ganapathy son of Rengadoss was already cancelled and as such, the power of attorney has no authority to execute any sale deed in favour of the petitioner. Therefore, the sale deed which was presented for registration was ordered to be returned to the petitioners.

3. The learned counsel for the petitioner submitted that he had no knowledge about the cancellation of the power of attorney by the original owner in favour of the said Ganapathy son of Rengadoss. However, the petitioner presented the document



on affixing the stamp duty. Even then the respondents ordered to return the original sale deed.

4. On a perusal of the records, it reveals that the petitioner purchased the subject property from the power holder of the original owner and presented the sale deed dated 20.08.2009 for registration. However, the original owner of the property had already cancelled the power of attorney executed in favour of the said Ganapathy son of Rengadoss. Therefore on the date of execution of the sale deed viz., on 20.08.2009, there was no power existing in favour of the power holder and as such, he had no authority to execute any sale deed. Hence, the second respondent has rightly ordered to return the document which was presented for registration and this Court finds no infirmity or illegality in the order passed by the second respondent.

5. In the result, this Writ Petition is dismissed. No costs.

Sd/-  
Assistant Registrar (CCC)

// True Copy //

Sub Assistant Registrar

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To

1.The District Registrar,  
Registration Department,  
Chengleput District.

2.The Sub-Registrar,  
Thirukazhukundram Registration Office,  
Kancheepuram District.

+1cc to M/s.M.Rajendiran, Advocate SR.No.48110

+1cc to the Government Pleader SR.No.48504

W.P.No.8195 of 2010

PMK(CO)  
RVM(25/10/2021)