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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.19459 OF 2021

AND W.M.P.NOS.20750 AND 20751 OF 2021

1.P.Sulachana

2.Mohana Bai

Represented by the power of attorney

3.T.Saravanan

... Petitioners

Vs.

1. The Deputy Inspector General (Registration)
Vellore,
Vellore District.

2. The District Registrar,
Vellore,
Vellore District.

3. G.Naveen

... Respondents

Prayer:

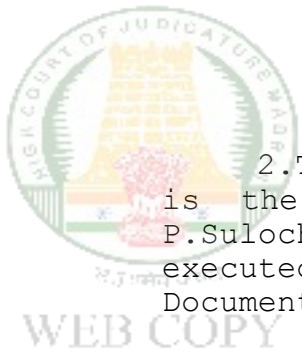
Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Certiorari, calling for the records in pursuant to the summons in Na.Ka.No.516/A1/2019 dated 16.08.2021 issued by the first respondent and quash the same.

For Petitioners : Mr.M.Sathish Kumar

For Respondents : Mr.Yogesh Kannadasan for R1 & R2
Government Advocate

ORDER

This writ petition has been filed a Certiorari, to quash the summons in Na.Ka.No.516/A1/2019 dated 16.08.2021 issued by the first respondent.



2.The case of the petitioners are that the third petitioner is the power holder of the first and second petitioners P.Sulochana and P.Mohanabai, the said Power of Attorney was executed on 16.03.2018 and the same was duly registered in Document No.2497 of 2018.

3.According to the third petitioner, the principles of Power of Attorney had acquired a property by way of Partition Deed in Document No.2562 of 1982, the third respondent herein relies upon the Document No.11375 of 2010 to claim his right over the property and the power is still in force.

4.The third petitioner submit that the third respondent herein had preferred an application before the second respondent on 16.07.2018 to cancel the documents stands in the names of the petitioners herein and to take action on the officer concerned, on receipt of the said application of the second respondent had issued summons based on the said summons, he along with fourth and fifth respondents had submitted their explanations including other interested persons.

5.The third petitioner further submits that based on the statements, the second respondent had passed his order in letter No.5659/A1/2018 dated 30.01.2019 observing the following the judgement passed by the Hon'ble Apex Court that he is not having power to cancel the documents and to take action and direct the third respondent to approach the competent Court.

6.According to the third petitioner, the third respondent herein had preferred an appeal to the first respondent on 11.02.2019, based on the said appeal the first respondent had issued summons to him to produce the additional documents and written statement to prove the ownership of the property on 27.08.2021 in Na.Ka.No.516/A1/2019 dated 16.08.2021.

7.The petitioners have no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

8.Heard learned counsel for the petitioners and the learned Government Advocate for the respondents 1 and 2 and perused the materials available on record.

9.In view of the above facts and circumstances of the case and considering the submission made by the petitioners, this Court is of the view that do not find any irregularity or illegality in the order passed by the first respondent and accordingly, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.



10. However, liberty is granted to the petitioner to appear before the concerned Authorities and to produce the additional documents and file a written statement.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

pam

To

1. The Deputy Inspector General (Registration)
Vellore,
Vellore District.
2. The District Registrar,
Vellore,
Vellore District.

+1cc to the Government Pleader, S.R.No.47202

W.P.No.19459 of 2021

PM(CO)
PM/13/12/2021