



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.14035 of 2014

and

M.P.No. 2 of 2014

1. Santhamani
 2. C.Arunachalam
- ...Petitioners

-Vs-

1. The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai 600 028.
 2. The District Registrar (Administration)-cum-
Assistant Inspector General of Registration,
Tiruppur-2.
 3. The Joint-II Sub Registrar,
Tiruppur Sub Registrar Office,
Tiruppur.
 4. The Sub Registrar,
Dharapuram, Tiruppur District.
 5. The Inspector of Police,
Anti Land Grabbing Special Cell,
Tiruppur.
 6. R.Arunachalam
- ...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the proceedings in Na.Ka.No.5148/A1/2013, dated 23.12.2013 passed by the second respondent and quash the same insofar as the petitioners are concerned.

For Petitioners: Mr.R.Bharath Kumar

For R1 to R5 : Mr.Richardson Wilson
Government Advocate.



ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorari, calling for the records relating to the proceedings in Na.Ka.No.5148/A1/2013, dated 23.12.2013 passed by the second respondent and quash the same insofar as the petitioners are concerned.

2. Heard Mr.R.Bharath Kumar, learned counsel appearing for the petitioners, Mr.Richardson Wilson, learned Government Advocate appearing for the respondents 1 to 5.

3. The land to an extent of 3.68 acres comprised in Survey No.278 of Chettipalayam Village, Tirupur Taluk, Tirupur District, originally belong to one Kuppammal. She died intestate on 16.11.2002, leaving behind her daughters Gajalakshmi, Kannammal and Parvathy and her daughter in law Jagathammal as her legal heirs. The legal heirs appointed a Power of Attorney under the Deed of General Power of Attorney, dated 24.03.2005 registered vide Document No.363 of 2005 to deal with their undivided share of 1.47 acres out of the total extent of 3.68 acres comprised in Survey No.278. On the strength of the Power of Attorney, they executed a sale deed in favour of one Dheepak Harikumar and Arunachalam, by the sale deed, dated 30.11.2007 registered vide Document No.1462 of 2008. In the meanwhile, one S.Dhatchayani and R.Vijayalakshmi lodged a complaint before the second respondent for cancellation of Power of Attorney, dated 24.03.2005 and also the sale deed, dated 30.11.2007. It was dismissed by an order dated 06.05.2013. However, the sixth respondent lodged another complaint on 26.08.2013 before the second respondent for cancellation of the aforesaid documents on the ground that the persons executed Power of Attorney, had no right or title over the property. The said complaint was entertained under Section 82 of the Registration Act, 1908 by the second respondent and conducted enquiry. The said S.Dhatchayani and another also filed a suit in O.S.No.209 of 2011 on the file of the District Munsif Court, Thiruppur to declare the sale deed, dated 30.11.2007 as null and void and also for injunction. However, the sixth respondent, being the purchaser of the sale property, lodged a complaint under Section 82 of the Registration Act, 1908 before the second respondent.

4. A perusal of the records revealed that the complaint lodged by S.Dhatchayani and R.Vijayalakshmi, was dismissed for non prosecution and without any documents. However, the complaint lodged by the sixth respondent along with all the documents and as such it was taken on file for enquiry. Thereafter, the second respondent issued notice to the petitioners and the parties concerned and conducted a detailed enquiry. According to the vendor of the sixth respondent herein, the said Kuppammal has no



title over the property and as such the Power of Attorney executed by her legal heirs is liable to be cancelled. Whereas, the case of the vendor of the sixth respondent herein is the property comprised in Survey Nos.278, 279, 280, 259 and 274 to an extent of 30.84 acres, the partition was held between Kuppammal, Janakiammal, Paarijatham, Abaranjiammal, Arukkaniammal and Chinnammal and the same was registered as Document No. 2801 of 1963. Accordingly, a joint patta was issued in their favour.

5. In the 'A' Schedule property, Item No.2 was allotted in favour of the said Kuppammal the said property comprised in Survey No.279 to an extent of 2.89 acres. The first item of the 'A' Schedule property is comprised in Survey No.395/1A, 382 and 384 along with well. On the strength of the partition deed, the said Kuppammal executed a settlement deed in favour of her daughters i.e Gajalakshmi, Kannammal and Parvathy, registered vide Document No.2475 of 1985. On the strength of the settlement deed, they executed a sale deed in favour of one Radha Rukmani, registered vide Document No.5652 of 1994. Therefore, as per the partition deed registered vide Document No.20 of 1979, the said Kuppammal was never allotted any property in Survey No.278.

6. Therefore, the said Kuppammal had no title over the subject property and her legal heirs as if the said Kuppammal had title for the property, executed a Power of Attorney. Hence, the second respondent conducted a detailed enquiry and concluded that the said Kuppammal had no right over the property and requested the concerned police officials to take appropriate action.

7. Therefore, this Court finds no infirmity or illegality in the order passed by the second respondent. Thus, the writ petition is devoid of merits and liable to be dismissed. However, the petitioners are at liberty to approach the Civil Court for declaration of title in their favour in the manner known to law.

8. With the above direction, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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1. The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai 600 028.

- +1cc to M/s.R.Bharathkumar, Advocate, S.R.No.57974

NRL (CO)
RGA (24/11/2021)