



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.24230 of 2014

M.Pushpa

... Petitioner

Vs.

1. The District Collector,
Erode District,
Erode.

2. The Sub-Registrar,
Soorampatti,
Tiruppur District.

3. Mr.A.Srinivasan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, to direct the 2nd respondent to pass order as per the directions of the 1st respondent in Na.Ka.No.28193/2013/V001 dated 10.01.2014.

For Petitioner : Mr.B.Nedunchezhiyan

For RR1 and 2 : Mr.M.R.Gokulkrishnan
Government Advocate.

For R3 : No appearance.

ORDER

This writ petition has been filed seeking Writ of Mandamus, to direct the 2nd respondent to pass order as per the directions of the 1st respondent in Na.Ka.No.28193/2013/V001 dated 10.01.2014.

2.The case of the petitioner is that she executed a power of attorney in favour of one A.Srinivasan as security on borrowal of loan on 25.01.2011. However, the petitioner canceled the power of attorney by cancellation of power deed dated



11.11.2011. In spite of cancellation of power of attorney vide Doc.No.842 of 2011, the power holder viz., Mr.A.Srinivasan with the help of second respondent executed a sale deed dated 15.11.2011 in respect of the said property in favour of his close associate Mr.Jayakumar and registered in Doc.No.3366 of 2011 on the file of the second respondent. Therefore, the petitioner lodged a complaint before the Inspector of Police, Land Grabbing Cell, Erode and thereafter a complaint to the 2nd respondent. However, the first respondent by an order dated 10.01.2014 directed the second respondent to take proper action to cancel the sale deed executed by the petitioner's power holder. Even thereafter the third respondent did not take any action as directed by the first respondent.

3.Heard Mr.B.Nedunchezhiyan, learned counsel appearing for the petitioner and Mr.M.R.Gokul Krishnan, learned Government Advocate appearing on behalf of respondents 1 and 2. Though notice was served, none appeared on behalf of the third respondent.

4.The second respondent also filed a counter and revealed that as per Circular No.67 issued by the Inspector General of Registration, Chennai, the Registrar is directed to cancel the fraudulent deeds. Though, initially the circular was stayed by this Court, subsequently, the stay was vacated. Therefore, there is absolutely no impediment for the second respondent to act as directed by the first respondent.

5.In view of the above, the second respondent is directed to take proper action to cancel the sale deed executed by the second respondent after issuing notice to the parties concerned and after giving opportunity of hearing and pass orders on merits within a period of six weeks from the date of receipt of copy of this order.

6.Accordingly, the Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rm



To

1. The District Collector,
Erode District,
Erode.

2. The Sub-Registrar,
Soorampatti,
Tiruppur District.

+1cc to M/s.B.Nedunchezhiyan, Advocate, S.R.No.43239

+1cc to the Government Pleader, S.R.No.43406

W.P.No.24230 of 2014

KSM(CO)
SU(17/09/2021)