

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.20368 of 2020

M.Venkatachalam

...Petitioner

-Vs-

1.The Sub-Registrar,
Sub Registrar Office,
Darapuram,
Thiruppur District-638 661.

2.M.Ramasamy

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent pertaining to Check Slip dated 07.12.2020 and quash the same and to direct him to register the General Power of Attorney dated 07.12.2020 executed by the petitioner regarding vacant land ad measuring 6.39 acre comprised in Survey No.602, 6.00 acres comprised in Survey No.603 and 4.02 acre comprised in Survey No.601/B including $\frac{1}{2}$ share in the well situated in Ponnapuram Village, Darapuram Taluk, Darapuram Sub-Registry, Thiruppur District.

For Petitioner : Mr.P.Sesubalan Raja

For Respondents: Mr.T.M.Pappiah
Special Government Pleader [R1]

ORDER

The petitioner claims that the property originally belonged to a certain Ramasamy, the 2nd respondent herein from whom he has purchased the property on 27.09.2001. The said Sale Deed provides for a term for re-sale of the property within a stipulated period of three years. The petitioner asserts that the re-sale has not taken place, and continuously to have the property in his name till date.

2. Be that as it may, some five years after the sale in favour of the petitioner, the 2nd respondent herein is stated to have executed two separate Settlement Deeds both dated 24.12.2006,

in favour of his daughters which fact has come to the knowledge of the petitioner only when he wanted to have a Power of Attorney executed by him in favour of a third party to be registered by the 1st respondent.

3. When the document was presented for registration, the 1st respondent has raised an objection for registration on the ground that the property has already been settled by the 2nd respondent in favour of his daughter which doubted the title of the petitioner over the property.

4. The learned counsel for the petitioner would submit that when one of the sale has taken place, the 2nd respondent did not have any right to alienate the property in favour of his daughters, in other words, the 2nd respondent cannot alienate any title that he himself did not possess as on the date of the Settlement Deed.

5. This Court finds lot of merit in the said submission of the learned counsel for the petitioner.

6. Accordingly, the 1st respondent is now directed to cause bare minimum enquiry without deciding on any dispute on title, within a period of eight weeks from today.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

The Sub-Registrar,
Sub Registrar Office,
Darapuram,
Thiruppur District-638 661.

+3cc to Mr.P.Sesubalan Raja, Advocate Sr.283
+1cc to the Government pleader Sr.904

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jp[co]
srg 11/01/2021