



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD)No.13671 of 2012

and

M.P. (MD) .No.1 of 2012

S.Kandasamy

: Petitioner

Vs.

1. Inspector General of Registration,
Santhome High Road, Mylapore, Chennai-28.
2. The District Registrar, (Admin),
District Registrar Office,
No.1A, Thirupathur Salai, Sivagangai District.
3. The District Registrar,
District Registrar Office, Karaikudi.
4. The Sub Registrar,
Devakottai Sub Registrar Office, Sivagangai District.
- 5.Subbiah

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the fourth respondent from registering any instrument or deed of conveyance presented by the fifth respondent on the basis of the power of attorney deed dated 02.09.2008, bearing adjudication on the file of the second respondent relating to the petitioner's family properties comprised in patta Nos.1, 4, 39, 52, 56, 93, 166, 185, 378, 448, 493 and 496 in Vellikatti, Vijayapuram, Nagamathi and Thirani Villages in Devakottai Taluk in Sivagangai District.

For Petitioner : Mr.R.Suriyanarayanan

For R-1 to R-4 : Mr.K.Sathiya Singh
Additional Government Pleader

For R-5 : Mr.G.Prabhu Rajadurai

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus forbearing the fourth respondent from registering any documents that are presented with respect to the subject property based on the power of attorney executed in favour of the fifth respondent, dated 02.09.2008.



2. The fifth respondent has filed a counter affidavit in this case. The fifth respondent has taken a stand that pursuant to the power of attorney executed in his favour by the wife and children of the brother of the petitioner dated 02.09.2008, he has executed an agreement of sale on 13.07.2009, with respect to certain properties and also a sale deed, dated 08.07.2009, with respect to some other properties. Apart from these two documents, no further documents were presented for registration by the fifth respondent, since by then, the power of attorney came to be cancelled by notice, dated 02.10.2010.

3. The learned counsel appearing on behalf of the fifth respondent submitted that there was a family arrangement between the brothers and they dealt with the properties that were allotted in the family arrangement. Immediately after the power of attorney was cancelled, the fifth respondent stopped dealing with any property. The learned counsel further submitted that there are various suits that are pending between the parties before the competent Civil Court.

4. In view of the specific stand taken by the fifth respondent and also of the fact that the power of attorney itself stood cancelled by virtue of a notice dated 02.10.2010, no further orders are required to be passed in this Writ Petition.

5. This Writ Petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

Tsg



To

1. The Inspector General of Registration,
Santhome High Road, Mylapore, Chennai-28.
2. The District Registrar, (Admin),
District Registrar Office,
No.1A, Thirupathur Salai, Sivagangai District.
3. The District Registrar,
District Registrar Office, Karaikudi.
4. The Sub Registrar,
Devakottai Sub Registrar Office, Sivagangai District.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-17424[F] dated 26/04/2021)

+1 CC to M/s.SPL GP (SR-17530[F] dated 26/04/2021)

Order made in
W.P. (MD) No.13671 of 2012
Dated :
23.04.2021

GS (18.05.2021) 3P 7C