



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.15933 of 2021

Valliammai.F

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome Road,
Chennai 600 028.

2.The District Registrar,
Office of the District Registrar,
Trichy District.

3.The Sub Registrar,
Office of the Sub Registrar,
No:I & II Joint Registrar's Office,
Trichy District.

4.Tmt.Vani

5.Dharmaraj

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to cancel the instrument of the fraudulent sale deed dated 13.01.2021 vide document No.264/2021 on the file of the 3rd respondent executed by the 4th respondent infavour of the 5th respondent by conducting enquiry in view of the petitioner's representation dated 17.07.2021 and the result of enquiry with regard to the fraudulent document shall be reflected in the encumbrance certificate.

For Petitioner : Mr.S.Arivazhagan

For Respondents : Mr.K.S.Selvaganesan

Counsel for the State for R1 to R3

ORDER

The petitioner seeks the cancellation of the sale deed dated 13.01.2021, which was registered as Document No.264/2021 on the file of the third respondent.

2. The petitioner states that the property bearing Survey No.1/3 of an extent of 4 ½ cents at Pratiyur west Village, Srirangam Taluk, Trichy District, originally belonged to one Tmt.Murugayi Ammal. It is stated that she died on 27.07.1992, leaving behind her husband and children as the successors to her estate. Subsequently,



it is stated that the said Tmt.Murugayi Ammal's husband died on 02.09.1999.

3. The petitioner states that one of the sons of Tmt.Murugayi Ammal is her late husband Muthusamy. He is said to have died on 19.09.2017. After his death, the petitioner discovered that the impugned sale deed dated 13.01.2021 was registered as Document No.264/2021. On perusal thereof, the petitioner states that such sale deed was executed pursuant to a power of attorney deed executed by her late husband in favour of the fourth respondent on 18.05.2012. The present writ petition is filed to challenge the registration of such sale deed on 13.01.2021.

4. Mr.K.S.Selvaganesan, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. He submits that the registration has been effected on the basis of the power of attorney.

5. The documents on record include the power of attorney deed dated 18.05.2012, the death certificate dated 19.09.2017 and the impugned sale deed dated 13.01.2021. On such basis, the petitioner has made out a case for the consideration and disposal of her representation dated 17.07.2021 on merits. Although the second respondent cannot cancel the sale deed, if deemed appropriate, an inquiry can be conducted and action taken in accordance with the Registration Act, 1908 and the rules framed thereunder.

6. Accordingly, without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 28.07.2021. Such representation shall be considered after providing a reasonable opportunity to the petitioner, the 4th and 5th respondents herein and any other person who would be affected by the outcome thereof. On account of the fact that the merits of the matter have not been adjudicated, the writ petition is disposed of without notice to the private respondents. Upon such consideration, the second respondent is directed to dispose of the same by a reasoned order within a period of three months from the date of receipt of a copy of this order.

7. W.P.(MD).No.15933 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbm

<https://hcservices.ecourts.gov.in/hcservices/>



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.

WEB COPY

To

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome Road,
Chennai 600 028.

2.The District Registrar,
Office of the District Registrar,
Trichy District.

3.The Sub Registrar,
Office of the Sub Registrar,
No:I & II Joint Registrar's Office,
Trichy District.

+1 CC to M/s.S.ARIVAZHAGAN, Advocate (SR-28739[F] dated
09/09/2021)

+1 CC to M/s.GP (SR-28711[F] dated 09/09/2021)

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RD(16.09.2021) 3P 6C