



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.18130 OF 2016

AND

WMP.NOS.15895 & 15896 OF 2016

1. T.Murugan
2. M.Amutha

.. Petitioners

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinambakkam, Chennai-28.
2. The District Registrar,
No.11, Gandhi Nagar 5th Street,
Thiruvannamalai District.
3. The Sub Registrar,
Thanipadi, Thiruvannamalai District.
4. Raja Rani
5. Vivekanandan
6. Jayaraman

.. Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorari call for the records leading to impugned unilateral cancellation deed of power of attorney bearing document No.133 of 2011 dated 23.06.2011 on the file of the 3rd respondent and consequential proceedings No.3025/AA1/2015 dated 15.04.2016 on the file of the second respondent and quash the same.

For Petitioner : Mr.N.Naganathan

For Respondent : Mr.Yogesh Kannadasan
Spl. GP.



O R D E R

This petition has been filed to cancel the deed of power of attorney bearing document No.133 of 2011 dated 23.06.2011 and to quash proceedings No.3025/AA1/2015 dated 15.04.2016 on the file of the second respondent.

2. The case of the petitioners is that they are working as Teachers in the Government School and the respondents 4 & 5 are also working as Teachers in the same school. Simultaneously, the respondents 4 & 5 were running and conducting monthly public auction chit. The petitioners joined Rs.5 Lakhs Chit with the respondents 4 & 5. The petitioners have taken a chit in May 2011. However, the respondents 4 & 5 have not paid the chit amount to the petitioners. Therefore, the petitioners lodged a complaint before the Inspector of Police, Thanipadi. To settle the issue amicably, the 4th respondent has executed a general power of attorney in favour of the second petitioner on 20.06.2011 by bearing document No.127 of 2011 registered in the SRO, Thanipadi for selling her land to compensate the chit amount. Subsequently, the second petitioner had entered into sale agreement with the 6th respondent. The said sale agreement was registered as document No.1810 of 2011 dated 21.06.2011. After knowing the execution of sale agreement, on 23.06.2011 the 4th respondent has cancelled the said power of attorney without giving any prior notice. After issuing the legal notice to the second petitioner and the 4th respondent herein, the 6th respondent has filed a suit in O.S.No.217 of 2014 before the Sub Court, Thiruvannamalai for specific performance. Thereafter, the second petitioner executed a sale deed in favour of the 6th respondent and in turn, the 6th respondent executed a sale deed in favour of the first petitioner, on the same day.

3. Aggrieved by the said alleged action, the 4th respondent's Advocate made a complaint before the second respondent viz., District Registrar on 09.09.2014. After enquiry, the second respondent, vide his proceedings dated 15.04.2016, issued a direction to register a criminal case against the petitioners as well as the 6th respondent. Challenging the same, the present writ petition has been filed before this Court seeking appropriate remedy.

4. The learned counsel for the petitioner submitted that when the suit is pending between the parties, the direction issued by the second respondent to register the criminal case against the petitioners as well as the 6th respondent is unfair. Hence, the learned counsel prayed for appropriate orders.

5. Heard, learned counsel for the petitioner, the learned Special Government Pleader and perused the materials available on records.



6. The facts of the case are not in dispute. Admittedly, the 4th respondent executed a power of attorney in favour of the second petitioner on 20.06.2011. Thereafter, the 4th respondent cancelled the power of attorney on 23.06.2011. However, when the power of the attorney was cancelled, the power agent viz., second petitioner entered into sale agreement with the 6th respondent, which was illegal and thereafter, he executed a sale deed in favour of the 6th respondent. Subsequently, the 6th respondent executed a sale deed in favour of the first petitioner. When the suit is pending in respect of the property, the petitioners and the 6th respondent have made all these illegal action, which is not permissible. It shows that the petitioners had some malafide intention. Hence, this Court cannot be granted the prayer sought for by the petitioners and the issue needs proper investigation and this court cannot interfere with the impugned order.

7. In the overall circumstances, this Court is unable to find any error in the impugned order passed by the second respondent and this Court finds no merit in the writ petition and it is accordingly, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

Rli

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinambakkam, Chennai-28.
2. The District Registrar,
No.11, Gandhi Nagar 5th Street,
Thiruvannamalai District.
3. The Sub Registrar,
Thanipadi, Thiruvannamalai District.

+1cc to Mr.N.Naganathan, Advocate, S.R.No.18542

+1cc to the Government Pleader, S.R.No.19148

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EV(CO)

RLP(02/05/2022)