



W.P.Nos.34386 and 34387 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.34386 and 34387 of 2012
and M.P.No.2 of 2012 and WMP.No.27445 of 2017

R.Chinnaiah

... Petitioner in both petitions

Vs.

- 1.The Inspector General of Registration,
Inspector General of Registration Office,
Santhome High Road,
Chennai 600 004.
- 2.The District Registrar (Admn.)
Deputy Inspector General of Registration Grade,
Rajaji Salai, North Madras,
Chennai.
- 3.The District Registrar (Admn.)
Deputy Inspector General of Registration Grade,
South Madras, Chennai.
- 4.The Sub Registrar,
District Registrar Grade,
Office of the Sub Registrar,
Ambattur, Chennai.
- 5.The Sub Registrar,
Office of the Sub Registrar,
Poonamallee, Chennai.
- 6.Mrs.Devaki

... Respondents in both petitions



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PRAYER in W.P.No.34386 of 2012: This Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus Calling for the records pertaining to the order passed by the 2nd respondent in No.2599/ Aa1/ 2012 dated 12.6.2012 and quash the same and consequently forbearing the respondents 2 to 5 from enforcing that order by recording cancellation of Certificate of Registration and Registration Endorsement of the General Power of Attorney dated 27.1.2006 and registered as Document No.241 of 2006 by the 4th respondent herein and cancellation of subsequent Sale Deed dated 30.10.2006 registered as Document No.126 of 2006 and Sale Deed dated 30.6.2006 registered as Document No.1358 of 2006 both in the office of the 5th respondent herein.

PRAYER in W.P.No.34387 of 2012: This Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus Calling for the records pertaining to office Circular No.67 dated 3.11.2011 C.No.52338/ C1/2011 issued by the 1st respondent and quash the same by declaring it ultra vires the Constitution of India and without Statutory Authority or without any Power in so far as the petitioner is concerned and consequently forbearing the respondents 2 to 5 from enforcing that order by recording cancellation of Certificate of Registration and Registration Endorsement of the General Power of Attorney dated 27.1.2006 and registered as Document No.241 of 2006 by the 4th respondent herein and cancellation of subsequent Sale Deed dated 30.10.2006 registered as Document No.126 of 2006 and Sale Deed dated 30.6.2006 registered as Doc.No.1358 of 2006 both in the office of the 5th respondent herein.

For Petitioner in both petitions : Mr.K.Hariharan

For RR1 to RR5 in both petitions : Mr.Yogesh Kannadasan
Special Government Pleader

For RR6 in both petitions : Mr.AR.L.Sundaresan, Senior Counsel
for Ms.AL.Gandhimathi



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Common Order

It is the case of the petitioner that the petitioner had originally purchased land and building in an industrial plot with shed in Shed No.193, Industrial Estate, Thirumaziasai, Poonamallee Taluk, Thiruvallur District. While so, the 6th respondent herein approached through a broker and offered to purchase industrial shed and plot under an Agreement of Sale dated 24.01.2005 for a sum of Rs.26 lakhs and paid Rs.7 lakhs as advance and undertaken to pay the balance sale consideration within a period of three months and further the said Sale Deed itself was registered by the petitioner as a Power of Attorney Agent of M/s.Dura Scaff (P) Ltd., and thereafter due to the non fulfillment of the conditions attached to sale, the sale itself failed and no title had passed on. Subsequently, the petitioner had alienated the property in favour of the third party and in the meanwhile, the 6th respondent appears to have forwarded a letter of complaint dated 14.12.2011 to the respondents alleging that the petitioner had created forged General Power of Attorney dated 27.01.2006 and based on which, created third party right for the property in question and therefore, the subsequent Sale Deeds are all forged and invalid documents and requested to take action in terms of Circular 67/C1/11, dated 03.11.2011, issued by the 1st respondent, whereby the Registration Department has been given powers to revoke such documents which have been fraudulently registered



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using forged documents after conducting the enquiry. Aggrieved by the same, the petitioner is before this Court by filing these writ petitions.

2. The learned counsel appearing for the petitioner submitted that subsequently, the above cited Circular has been withdrawn by the Registration Department itself on 20.10.2017 and all the subsequent orders which were passed based on the said Circular was also withdrawn on 06.04.2018 and hence, these Writ Petitions may be allowed and further he submitted that the 6th respondent has also filed a Suit for Declaration in O.S.No.229/2008 on the file of the Fast Track Court, Poonamallee, to declare the entire property belong to him, and the same is pending and the present disputed power of attorney is also one of the issue before the Suit and hence, this Court may permit the petitioner and the 6th respondent to canvass all the points before the Civil Court, without influencing any order in the Writ Petition and prays for appropriate order in that regard.

3. The learned Senior Counsel appearing for the 6th respondent submitted that without the knowledge and signature of the 6th respondent, the petitioner has created the forged power of attorney and based on the complaint, the 2nd respondent after due verification, had rightly cancelled the said power of



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attorney under Circular 67/C1/11, dated 03.11.2011, which does not warrant interference of this Court and prays for dismissal of this petition.

4. This Court has carefully considered the rival submissions and also perused the materials available on record.

5. Though initially the the 6th respondent appears to have forwarded a letter of complaint dated 14.12.2011 to the respondents alleging that the petitioner had created forged General Power of Attorney dated 27.01.2006 and created third party right for the property in question and requested to take action in terms of Circular 67/C1/11, dated 03.11.2011 and the 2nd respondent also based on the said Circular, had cancelled the Power of Attorney, subsequently the said Circular was withdrawn by the Registration Department itself and the orders which were passed based on the said Circular were also withdrawn and hence, the impugned order passed by the 2nd respondent dated 12.06.2012, is liable to be set aside.

6. In view of the above, the order passed by the 2nd respondent dated 12.06.2012 is quashed. However liberty is granted to the petitioner and the 6th respondent to canvass all the issues before the Civil Court, where the Civil Suit



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is pending in O.S.No.229 of 2008, on the file of the Fast Track Court, Poonamallee, and further the Civil Court is directed to decide the issue without being influenced by any of the observation made in this Writ Petition as well as in the impugned order passed by the 2nd respondent.

7. These Writ Petitions are disposed of with the above terms. No costs. Consequently connected miscellaneous petitions are closed.

20.06.2022

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To

- 1.The Inspector General of Registration,
Inspector General of Registration Office,
Santhome High Road,
Chennai 600 004.
- 2.The District Registrar (Admn.)
Deputy Inspector General of Registration Grade,
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M.DHANDAPANI,J.

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