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W.P.No.24473 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.24473 of 2017

D.Madhusudhan
Rep. by his Power of Attorney,
D.Manjulatha

... Petitioner

Vs.

1.The District Registrar,
Chennai South,
Saidapet,
Chennai – 600 015.

2.The Sub-Registrar,
Virugambakkam,
No.124, Arcot Road,
Chennai – 600 042.

3.Vijaianandh

4.A.Subramanian

(R3 and R4 impleaded vide order dated 07.11.2022 in W.M.P.No.33667 of
2017)

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,
praying for issuance of Writ of Mandamus directing the second respondent to
implement the order passed by the first respondent on 16.11.2016 vide

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proceedings in No.5086/Aa.3/2015, forthwith in accordance with law.

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For Petitioner : Mr.P.Suresh Babu
for Mr.Janakiraman

For Respondents 1&2 : Mr.E.Vijay Anand,
Additional Government Pleader

ORDER

This writ petition has been filed for seeking issuance of Writ of Mandamus directing the second respondent to implement the order passed by the first respondent on 16.11.2016 vide proceedings in No.5086/Aa.3/2015, forthwith in accordance with law.

2. The case of the petitioner is that the property in S.No.216/1 part bearing Plot No.4 to an extent of 2400 sq.ft., situated at Valasaravakkam Village, Ambattur Taluk, presently Maduravoyal Taluk, Tiruvallur District was originally belongs to one Thayammal. Later, the said property was alienated in favour of G.Amul in the year 1986 vide Doc.No.1405 of 1986. Thereafter, the said G.Amul executed a Sale Deed in favour of petitioner's principal father in law on 30.03.1992 vide Doc.No.1188 of 1992. Further, the petitioner's father in law viz., O.Venkatasamy Reddy died on 18.12.2011 leaving behind his wife viz., O.Sakunthala and his daughter Manjulatha as



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legal heirs and the petitioner herein married the said Manjulatha. This being so, the petitioner came to know that one Santhakumari, who is no way connected with the subject property executed a Power of Attorney in favour of A.Subramanian for the said property and registered the same as Doc.No.1894 of 2011. Pursuant to the execution of Power of Attorney, four sale deeds was executed in respect of very same property in Docs.1974 of 2012, 818 of 2012, 921 of 2012 and 5785 of 2012. For canceling the Power of Attorney and document, the petitioner made a complaint before the first respondent on 31.01.2014, however, no order was passed. Hence, the petitioner filed a writ petition before this Court in W.P.No.11102 of 2016 and this Court vide its order dated 18.04.2015 directed the first respondent therein to pass orders. Pursuant to which, the first respondent passed an order dated 16.11.2016 and annulled the above said documents and initiated criminal prosecution against the offenders in terms of section 82 and 83 of the Indian Registration Act, however, the order dated 16.11.2016 was not implemented. Hence, this writ petition.

3. Learned counsel for the petitioner would submit that it would suffice if this Court issues direction to the second respondent to implement the order



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dated 16.11.2016 passed by the first respondent within a time frame to be fixed by this Court.

4. Learned Additional Government Pleader appearing for the respondents would submit that necessary entries were made in the encumbrance certificate and the first respondent will implement the order dated 16.11.2016, if there is no legal impediments.

5. Heard the learned counsel on either side and perused the materials available on record.

6. In view of the consent expressed by the learned Additional Government Pleader appearing for respondents, this Court is inclined to issue direction to the respondents to implement the order dated 16.11.2016, if there is no legal impediment, within a period of six weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this writ petition stands disposed of.
No costs.

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Index : Yes/No

Speaking Order : Yes/No

To:

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M.DHANDAPANI,J.

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