



W.P.(MD)Nos.13671 & 13672 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.12.2022

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)Nos.13671 & 13672 of 2013

and

M.P.(MD).Nos.1 and 1 & 2 of 2013

W.P.(MD).No.13671 of 2013

S.Krishnamoorthy

... Petitioner

Vs.

- 1.The Inspector General of Registration,
The Office of the Inspector General of Registration,
Santhome High Road, Chennai.
- 2.The District Registrar (Administration),
The Office of District Registrar,
Srinivasapuram, Thanjavur District.
- 3.The Sub-Registrar of Registration,
Magarnombuchavady Sub-Register Office,
Magarnombuchavady,
Thanjavur District.
- 4.The Joint Sub-Registrar-1 of Registration,
The Office of Joint Sub-Registrar,
Poonga, Nearby Old Bus Stand,
Thanjavur District.
- 5.The Thasildar,



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Head-Quarters Taluk Office,
Thanjavur District.

6.K.Manikandan

7.K.Mahendran

8.L.Anwar Ali

9.R.Asaithambi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Declaration, declaring the sale deed registered by the 3rd respondent in Document No.1080/2012 dated 30.04.2012 is null and void, non-est and against the provisions and outside the scope of the Indian Registration Act, 1908 and consequently directing the 3rd respondent to remove the relevant entries of document No.1080/2012 made in Book-1 and to keep the only entry of document of petitioner's sale deed No.688/2012 dated 19.03.2012, made in Book-1 on the file of 3rd respondent in respect of property comprised in S.F.No.373/3(Old No.373/1) Patta No.2584 measuring to an extent of 1.05 cents/0.42.50 ares, soorakottai village, Thanjavur District as it stood prior to date of registration of document of sale deed No.1080/2012.

For Petitioner :Mr.P.Christhuraj

For Respondents :Mr.N.Suresh Kumar

Additional Government Pleader for R1 to R5



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A.Suresh

... Petitioner

Vs.

1.The Inspector General of Registration,
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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Declaration, declaring the sale deed registered by the 3rd respondent in Document No.1080/2012 dated 30.04.2012 is null and void, non-est and against the provisions and outside the scope of the Indian Registration Act, 1908 and consequently directing the 3rd respondent to remove the relevant entries of document No.1080/2012 made in Book-1 and to keep the only entry of document of the petitioner's sale deed No.1081/2012 dated 19.03.2012, which was registered on 30.04.2012, made in Book-1 on the file of 3rd respondent in respect of properties comprised in S.F.No.373/4 (Old No.373/1) measuring to an extent of 0.95 cents, S.F.No.375/1 measuring to an extent of 0.5 cents, soorakkottai village, Thanjavur District.

For Petitioner :Mr.P.Christhuraj
For Respondents :Mr.N.Suresh Kumar
Additional Government Pleader for R1 to R5

COMMON ORDER

The petitioners herein have sought for a declaration to declare the registered sale deed dated 30.04.2012, bearing document No.1080 of 2012, on the file of the 3rd respondent, as null and void.



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2. The case of the petitioners herein is that they had purchased the property from one Mr.S.Samiayya, who was issued with a patta in patta No. 2585. The petitioner's vendor had earlier executed a power of attorney in favour of the 6th respondent on 13.12.2011.

3. According to the learned counsel for the petitioners, the same has also been cancelled by the vendor of the petitioners. The vendor being the principal had sold the lands in favour of the petitioners on 19.03.2012 by registered sale deed dated 19.03.2012 in document No.688 of 2012 and Document No.1081 of 2012 on the file of the 3rd respondent herein. However, the 6th respondent, the power holder, after cancellation of Power of Attorney, which has registered as document No.263 of 2012 on 16.04.2012, on the file of the 2nd respondent herein, the 6th respondent by Document No.1080 of 2012 dated 30.04.2012 had executed a sale deed, the same has been registered with the 3rd respondent. According to the petitioner, the vendor of the petitioner, being the principal of the 6th respondent, had executed a sale deed in their favour and therefore, the power of attorney is not valid to sell the land in favour of the 7th respondent.



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Hence, the present writ petitions have been filed seeking for a declaration to declare such sale deed executed by the 6th respondent in favour of the 7th respondent as null and void.

4. The learned Additional Government Pleader appearing on behalf of the respondents 1 to 5 would submit that the prayer sought for by the petitioners could not be granted in these writ petitions is a civil dispute, which has to be adjudicated upon by the appropriate civil Court. He would also rely on the amendment to the Registration Act by insertion of Section 77(A).

5.I have considered the rival submissions made by the learned counsel appearing on either side.

6.The writ petitions have been directly filed seeking for declaration to declare the sale deed registered by the third respondent dated 30.04.2012 is null and void, non-est and against the provisions and outside the scope of the Registration Act, 1908. As rightly pointed out by the



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learned Additional Government Pleader, the petitioners have an alternate remedy in the light of the amendment to the Registration Act, 1908 by insertion of Section 77-A. Hence, the petitioners are at liberty to approach the 2nd respondent by taking out appropriate application under Section 77(A) of the Registration Act and on receipt of the said application, the 2nd respondent shall pass appropriate orders, after affording an opportunity to all parties concerned on merits and in accordance with law.

7. Accordingly, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

19.12.2022

Index : Yes / No
Speaking Order/Non Speaking Order
sbh

To

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3. The Sub-Registrar of Registration,
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K.KUMARESH BABU, J.

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