



WEB COPY

W.P.No.22226 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22226 of 2023

Tmt Lakshmi Laser Maria Susai

... Petitioner

Vs.

1.The District Registrar,
Central Chennai, Royapettah,
Chennai – 600 014.

2.The District Registrar,
Chenglepet, Chenglepet-District,

3.T.Venkatadhiri

4.S.Chandrasekaran

5.A.Balu

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to conduct enquiry in respect of General Power of Attorney i.e. Comprising in S.Nos.487/1, 487/2, 487/3, 487/4, 487/5, 488/1, 488/2, 488/3, 488/4, 488/5, Patta No.1532 in Senkundram-"Village", Chengalpat-District by way of



W.P.No.22226 of 2

registered sale deed vide Document No.372/1984, Document No.39/1985, Document No.70/1985 and cancel the documents which was registered by the 3rd respondent by fraudulently by considering the petitioner representation dated 22.02.2023 and "**Dispose**" the same.

For Petitioner : Mr.M.Arumugam

For R1 & R2 : Mr.D.Ravichander,
Special Government Pleader

ORDER

The relief sought for in the present writ petition is for directing the respondents 1 and 2 to conduct enquiry in respect of General Power of Attorney i.e. Comprising in S.Nos.487/1, 487/2, 487/3, 487/4, 487/5, 488/1, 488/2, 488/3, 488/4, 488/5, Patta No.1532 in Senkundram-"Village", Chengalpat-District by way of registered sale deed vide Document No.372/1984, Document No.39/1985, Document No.70/1985 and cancel the documents which was registered by the 3rd respondent fraudulently by considering the petitioner representation dated 22.02.2023.



WEB COPY

2. The writ petitioner is the absolute owner of the property more fully described in para 2 of the affidavit filed in support of the writ petition. The petitioner executed Power of Attorney in favour of Tmt.G.SriValli, who filed the present affidavit on behalf of the writ petitioner.

3. The grievances of the writ petitioner is that fraudulent power of attorney deeds were registered without her knowledge on 11.12.1984, 21.02.1985 and 08.04.1985 respectively. The said fraudulent power of attorneys were executed in favour of the 3rd respondent / T.Venkatadhiri. Based on the said power of attorney, the respondents 3 to 5 had alienated the properties belonging to the writ petitioner. The petitioner had no knowledge about such alienation and subsequently, she came to know about the sale of the property belonging to her and thereafter, initiated action.

4. The learned counsel for the petitioner mainly contended that a complaint has been registered before the 1st respondent / the District Registrar for cancellation of those alleged power of attorney documents. Since the respondents 1 and 2 failed to initiate any action, the petitioner is constrained to move the present writ petition.



5. The learned Special Government Pleader appearing on behalf of the respondents raised an objection by stating that the Power of Attorney documents were executed in the year 1984 and 1985 and therefore, the District Registrars are incompetent to conduct an enquiry even for verification of Thumb Impression or Signature etc.,

6. Cancellation of documents under Section 77-A of the Registration Act is to be made only in respect of the documents registered prospectively and in respect of very old documents, the parties are to be relegated to the civil court of law for the purpose of redressal of their grievances.

7. The spirit of amendment and insertion of Section 77-A cannot be invoked for the purpose of cancelling the old documents and if such powers are conferred, the same would result in an anomalous situation and more so through summary proceedings, such adjudications cannot be undertaken by the District Registrars.

8. Fraud or impersonation, if apparent on record and under the context of Section 32 to 35 of the Registration Act is identified, then alone the District Registrars are competent to cancel the documents, by conducting summary



proceedings between the parties. Even in case of doubts regarding fraud or impersonation, then the parties are to be relegated to the civil court of law for a complete trial and this being the principles to be adopted, the present document of the year 1984 cannot be scrutinized by the District Registrar at this length of time, more so after a lapse of about 39 years.

9. The learned counsel for the petitioner raised an apprehension that there is a possibility of destruction of registration records at the instance of the respondents 3 to 5 in the Registration Department. Thus, the respondents 1 and 2 are directed to ensure that the registration details and records pertaining to the Power of Attorney documents referred in the present writ petition are reserved.

10. The learned Special Government Pleader made a submission that, if at all any such records are destroyed in accordance with Destruction of Records Act, 1917, then the registrars may not be held responsible. Therefore, the authorities are directed to preserve the available documents, enabling the petitioner to adjudicate the issues relating to the fraudulent Power of Attorneys, which caused deprivation of the property right.

11. As far as the relief sought for cancellation of Power of Attorney documents of the year 1984 and 1985 are concerned, the District Registrars are



not empowered to adjudicate the issues under Section 77-A of the Act and therefore, the petitioner is at liberty to approach the civil court of law for effective adjudication of issues in the manner contemplated.

12. With this liberty, the writ petition stands disposed. No costs.

27.07.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

- 1.The District Registrar,
Central Chennai, Royapettah,
Chennai – 600 014.
- 2.The District Registrar,
Chenglepet, Chenglepet-District.



WEB COPY

W.P.No.22226 of 2



S.M.SUBRAMANIAM, J.

skr

W.P.No.22226 of 2023

27.07.2023