



W.P.No.30038 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.30038 of 2023

T.Noorunnisa

... Petitioner

versus

1.The District Registrar,
Fourth Floor,
Collector Office,
Tiruppathur – 635 601.

2.The Sub-Registrar,
Office of the Sub-Registrar,
Vaniyambadi – 635 751,
Tiruppathur District.

3.K.A.Imtiyaz Ahmed

4.Pavendan

5.Thirumathi Sudha

6.S.Govindaraj

7.A.B.Iyappan

... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent to consider the application dated 16.08.2023 and after making thorough enquiry cancel the fraudulent General Power of Attorney No.335/2011 dated 27.01.2011 and consequently declare all subsequent deeds as null and void.



W.P.No.30038 of 2023

For Petitioner : Mr.B.Ram Prasath

For Respondents : Mr.V.Veluchamy
Additional Government Pleader
for R1 and R2

ORDER

Mr.V.Veluchamy, learned Additional Government Pleader takes notice for respondents 1 and 2. By consent of both the parties, the writ petition is taken up for final disposal at admission stage itself.

2. This writ petition has been filed seeking mandamus to direct the first respondent to consider the application dated 16.08.2023, wherein and whereby, the writ petitioner sought for cancellation of the fraudulent General Power of Attorney No.335/2011 dated 27.01.2011 after making thorough enquiry and consequently, to declare all subsequent deeds as null and void.

3. According to the petitioner, his mother Basheerabi is the absolute owner of the properties in Ward-C-Block-26, Town Survey No.52 measuring an extent of 3391 sq.ft in "L" shape situated at Pandit Jawaharlal Nehru Road elsewhere called as Cutchery Road, Khaderpet, Vaniyambadi.



W.P.No.30038 of 2023

Subsequently, in the year 1980, the petitioner's mother sold an extent of 2448 sq.ft to one Mani vide registered sale deed Doc.No.1632 of 1980 and the remaining property measuring an extent of 943 sq.ft was settled in favour of the writ petitioner vide registered sale deed Document No.4236 of 2010. Under such circumstances, the third respondent along with their family members by creating two fabricated documents executed a General Power of Attorney in favour of the fourth respondent vide registered Document No.335 of 2011. In continuation of the above, the fourth respondent on the basis of General Power of Attorney transferred the rights of the property to her spouse one Mrs.Sudha, the fifth respondent herein by way of executing a sale deed dated 25.03.2011 vide Document No.2241 of 2011. Subsequently, the sixth respondent forced respondents 4 and 5 to sell the said property to him and consequently, executed a sale deed dated 01.12.2014 vide Document No.8020 of 2014. Meanwhile, the sixth respondent made an application before the concerned authority for change of name in the Patta Pass Book which was duly granted. Further, the sixth respondent on 07.03.2019 sold the aforesaid property to one



W.P.No.30038 of 2023

Mr.A.B.Iyappan, who is seventh respondent herein by way of a registered sale deed vide Document No.1511 of 2019.

4. It is the case of the petitioner that the petitioner is the absolute owner of the aforesaid property but the respondents weaved a web of conspiracy in an undue manner, sold the property and the second respondent without authenticating the genuineness of the documents registered the same based on the fabricated documents which is totally illegal. Further, the entire transactions pertaining to the aforesaid property is in contravention of Section 22 of 'the Registration Act, 1908' [hereinafter 'said Act'] and is liable to be cancelled under Section 77-A of the said Act. Aggrieved over the aforementioned transactions, the writ petitioner approached the first respondent by filing an application dated 16.08.2023 with a prayer to direct the second respondent to cancel the entire transactions pertaining to the aforesaid property and restore status quo, but there is no response. Hence, the writ petitioner is before this Court.

5. The learned counsel for the petitioner submitted that after amendment of the said Act in the year 2022, the Registrar has power to



W.P.No.30038 of 2023

verify about the genuineness of the documents and cancel the same if it is found that the document is not genuine and the same is a forged one.

6. Whether this amendment gives retrospective effect or prospective effect is pending for decision. However, the petitioner has got alternative remedy under Section 77B of the Registration Act. Therefore, the petitioner is not entitled to get any relief sought for in this writ petition. However, the petitioner is at liberty to work out his remedy in the manner known to law.

7. In the light of the above facts and circumstances, this writ petition is dismissed. There shall be no order as to costs.

17.10.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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W.P.No.30038 of 2023

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To

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W.P.No.30038 of 2023

P.VELMURUGAN, J.

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W.P.No.30038 of 2023

17.10.2023

Page Nos.7/7