



W.P.No.29189 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.29189 of 2023

and

W.M.P.No.28790 of 2023

C.Ramcoumar
Rep.by his Power Agent
J.Krishnakumar

... Petitioner

versus

1.The District Registrar (Admin)
Tindivanam,
Villupuram District,
Tamil Nadu - 605 109.

2.The Sub Registrar,
Vanur Sub Registrar Office,
Vanur,Villupuram District,
Tamil Nadu - 605 109.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned Refusal check Slip No.RFL/Vanur/26/2023 dated 6.4.2023 issued by the 2nd respondent and quash the same and consequently directing the 2nd



W.P.No.29189 of 2023

respondent to register the Sale Deed dated 5.4.2023 executed by the petitioner in favour of Balamurugan in respect of the Plot No.9, to an extent of 1027 sq.ft out of 1 Acre 43 cents comprised in S.No.125/5, New S.No.125/5A1 and sub division Nos.125/5A1A 125/5A1A1, 125/5A1B1 125/5A1B2, 125/5A2, 125/5B and Old S.No.173 situated at Pattanoor Village, within the Sub Registration of Vanur, Tindivanam Registration District within such time fixed by this Court.

For Petitioner : Mr.V.Sithannan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for respondents. With the consent of both the parties the writ petition is taken up for final disposal at the admission stage, itself.

2. This Writ Petition has been filed to quash the impugned Refusal check Slip No.RFL/Vanur/26/2023 dated 06.04.2023 issued by the second respondent and consequently to direct the second respondent to register the Sale Deed dated 05.04.2023 executed by the petitioner in favour of



W.P.No.29189 of 2023

Balamurugan in respect of Plot No.9 measuring an extent of 1027 sq.ft out of 1 Acre 43 cents comprised in S.No.125/5, New S.No.125/5A1 and sub division Nos.125/5A1A 125/5A1A1, 125/5A1B1 125/5A1B2, 125/5A2, 125/5B and Old S.No.173 situated at Pattanoor Village, within the Sub Registration of Vanur, Tindivanam Registration District.

3. The case of the petitioner is that a larger extent of land measuring an extent of 2 acre 66 cents out of 9.59.0 hectare comprised in Old.S.No.173 situated at Pattanur Village, Vanur Sub Registration District and Tindivanam District was purchased by one Palani Gramani by virtue of registered sale deed vide Doc.No.1729/1961 from Gurusamy and Murugesan. Subsequently, the said Palani Gramani sold a portion of land measuring an extent of 1 Acre 43 cents out of 2 Acre 66 cents to one Comarasam Bakthar vide registered Doc.No.2337/1967 and remaining portion of the land i.e 1 Acre 16 cents had settled in favour of his wife Amaravathi vide Settlement Document No.1968/1979. Ever since they are in peaceful possession and enjoyment of the same.



W.P.No.29189 of 2023

3.1. The said Comarasamy Bakthar, who was in possession and enjoyment of the land to an extent of 1 Acre 43 cents died on 07.03.2012 leaving behind his wife Poongavaname and his son Ramcoumar as his surviving legal heirs to succeed his right and interest over the said property. The said Poongavaname also died on 13.12.2015, as such, the said Ramcoumar is the sole and absolute owner of the property to an extent of 1 Acre 43 cents out of 2 Acre 66 cents. In order to develop the said property, the said Ramcoumar appointed one S.Senthamizhi as his power agent and executed a power of attorney vide Doc.No.3486/2022 on the file of the SRO, Vanur. At the time of developing the said property, they came to know that the grandsons of Palanisamy created a forged power of attorney dated 09.12.2002 in favour of one Kumaravelu in respect of said land to an extent of 1 Acre 43 cents and the same was registered as Doc.No.262/2002. Based on the power of attorney, the said Kumaravelu formed a layout known as Sri Durganagar and sold some of the plots into the third parties. While so, the said Senthamizhi had given a complaint under Section 77-A of the Registration Act, 1908 to the District Registrar (Administration) Tindivanam to cancel the document executed by the said



W.P.No.29189 of 2023

Kumaravelu based on the alleged power of attorney deed dated 09.12.2002.

After detailed enquiry, the District Registrar passed an order dated 31.01.2023 and cancelled the sale deeds executed by the said Kumaravelu and also cancelled the power of attorney document No.267/2002.

3.2. Further, the said Ramcoumar had revoked the general power of attorney executed in favour of Senthamizhi vide Revocation Deed dated 21.2.2023 vide Doc.No.1311/2023. Thereafter, the said Ramcoumar appointed J.Krishnakumar as his power of attorney and executed a power of attorney deed dated 21.02.2023 registered as Doc.No.1312 of 2023 on the file of the SRO, Vanur, Villupuram District. Based on the power of attorney, he executed a sale deed in favour of one Balamurugan on 05.04.2023 in respect of the subject properties and the said sale deed was presented before the second respondent for registration. However, the second respondent by impugned refusal check slip dated 06.04.2023 refused to register the said document stating that the said land was registered as agricultural land and hence, the present sale deed will be submitted after getting approval from the concerned authority i.e. DTCP and RERA.



W.P.No.29189 of 2023

Aggrieved by the same, the petitioner is before this Court.

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4. The learned counsel for the petitioner submitted that the second respondent ought to have seen that the subject property has already been plotted out as 'Sri Durga Nagar' and hence, the subject property cannot be divided into plots and also not necessary to get approval from the concerned authorities. He further submitted that the second respondent without any valid reasons passed the impugned order which is *per se* illegal and hence, the impugned order is liable to be dismissed.

5. From the the impugned refusal slip, it is seen that the property was registered as agricultural land by the power agent and to divide the same into plots, the petitioner has to get DTCP and RERA approval. Since the writ petitioner did not obtain any permission as stated in the power of attorney, after obtaining the same, the document can be submitted for registration. Hence, the second respondent has rightly passed the impugned order. Therefore, this Court does not find any reason to interfere with the refusal check slip passed by the second respondent.



W.P.No.29189 of 2023

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6. In view of the above, this Writ Petition is dismissed. However, the petitioner at liberty to re-submit the document after complying with the conditions as mentioned in the refusal check slip. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

10.10.2023

Speaking/Non-speaking order
Index : Yes/No
Neutral Citation : Yes/No
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Pg.Nos.7/8



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W.P.No.29189 of 2023

P.VELMURUGAN, J.

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W.P.No.29189 of 2023

10.10.2023

Pg.Nos.8/8