



WEB COPY



W.P.No.33641 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.33641 of 2022
and W.M.P.No.33094 of 2022

S.Subramani

.. Petitioner

Versus

- 1.The District Registrar,
Krishnagiri District,
Krishnagiri.
- 2.The Assistant Director of Panchayat,
Krishnagiri District,
Krishnagiri.
- 3.The Block Development Officer,
Hosur,
Krishnagiri.
- 4.The President,
Onnalvadi Village Panchayat,
Hosur Panchayat Union,
Krishnagiri District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to take appropriate action for deterring the respondents 3 and 4 for the laying of road in the properties comprised in S.No.77 measuring to an extent of 0.52.0 hectares



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and S.No.51/2C measuring to an extent of 0.41.0 hectares situated at Onnalvadi Village, Hosur Taluk, Krishnagiri District, based on the petitioner's representation dated 29.09.2022 forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents

For RR1 & 2 : Mr.S.Rajesh
Government Advocate

For RR3 & 4 : Mr.G.Nanmaran
Special Government Pleader

ORDER

The writ petition has been filed to direct the 1st respondent to take appropriate action for deterring the respondents 3 and 4 from laying of road in the properties comprised in S.No.77 measuring to an extent of 0.52.0 hectares and S.No.51/2C measuring to an extent of 0.41.0 hectares situated at Onnalvadi Village, Hosur Taluk, Krishnagiri District, based on the petitioner's representation dated 29.09.2022.

2. It is the case of the petitioner that his mother executed a Power of Attorney and after death of his mother, certain properties have been sold out.



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Therefore, he seeks to cancel those documents by way of his representation.

Whereas, the counter affidavit filed by the respondents indicates that even before the death of his mother, the properties have been sold out and several plots have been developed and have been handed over. In certain properties public road had been laid and the layout was formed and certain portion of the lands have been handed over to the local bodies.

3. Though it appears that only one layout has been sold out after the death of his mother by the power agent, the fact remains that the power agent has already sold out vast properties during the lifetime of the mother of the petitioner.

4. Such being the position, the question of District Registrar considering the petitioner's representation and passing orders under Section 77A would not arise at all. At the most, the validity of the Sale Deed, said to have been executed after the death of the petitioner's mother alone, can be questioned and it has to be adjudicated only by way of a civil suit and not by enquiry under Section 77A. Hence, I do not find any merits in the present writ petition.



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WEB COPY Accordingly, the writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

03.02.2023

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Index : Yes / No

Speaking Order : Yes / No

To

- 1.The District Registrar,
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N.SATHISH KUMAR, J.

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