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W.P.(MD)NO.621 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.621 of 2022 AND

W.M.P.(MD)No.502 of 2022

Siva Balakannan

... Petitioner

Vs.

1. The Inspector General of Registration,
O/o.The Inspector General of Registration,
Chennai.

2. The District Registrar,
District Registration Office,
Sivagangai,
Sivagangai District.

3. The Sub-Registrar,
Manamadurai Sub Registrar Office,
Manamadurai,
Sivagangai District.

4. Rahini

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order of the 2nd respondent made in Moo.Mu. No.572/E1/2020 dated 30.09.2021 and to quash the same as arbitrary and consequently to direct the 2nd respondent to cancel the fraudulent registrations of the 4th respondent in



respect of the lands in survey Nos.260/7A9 and 266/2 situated in Manamadurai Village and the properties in survey Nos. 94/1 and 95/2 situating at Arasanenthal Village, within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthik

For R-1 to R-3 : Mr.S.Ra.Ramachandran,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner and the fourth respondent are siblings. The allegation of the petitioner is that the petition-mentioned property belonged to his mother Rukkumani Ammal. She had executed a power of attorney in favour of the fourth respondent way back in the year 1994. It was cancelled in the year 2000. Rukkumani Ammal passed away in the year 2007. The petitioner would allege that even thereafter the fourth respondent continued to sell the properties on the basis of the power of attorney as if it was subsisting. According to the petitioner, the acts committed by the fourth respondent clearly constitutes fraud.



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3. It is seen that the last of the document was executed in the year 2014. During the relevant point of time, neither Section 77A of the Registration Act nor the circular issued by the IG of Registration were in force. Therefore, the authority rightly came to the conclusion that he lacks the power to cancel the registered document. The petitioner has to necessarily move the jurisdictional civil Court. It is seen that the petitioner had already filed a civil suit. Granting liberty to petitioner to work out his remedy in the pending civil suit, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

17.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN,J.

PMU

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Sivagangai District.
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