



W.A.(MD) No.484 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.A.(MD) No.484 of 2023

and

C.M.P(MD) No.4964 of 2023

1. G. Manohar
2. G.Karuppiah
3. Tmt.V.Kanageswari
4. Tmt.A.Kannammal
5. Tmt.A.Karpagam

... Appellants

-VS-

1. Great Lakes Multi-State Co-operative
Housing Society Limited,
No.76/190, South Car Street,
Srivilliputhur - 626125,
Virudhunagar District,
Rep. by its Chief Executive Officer.

... 1st Respondent/Writ Petitioner



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2. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
3. The Deputy Inspector General
of Registration,
Integrated Complex of Registration Department,
St. Marks Street, Near Sankar Colony,
Behind John Higher Secondary School,
Tirunelveli – 600 028.
4. The District Registrar,
Integrated Complex of Registration
Department,
St.Marks Street, Near Sankar Colony,
Behind John Higher Secondary School,
Tirunelveli - 627 002.
5. The Sub Registrar,
Sub-Registrar Office,
No.115A, Radhapuram Main Road,
Radhapuram - 627111, Tirunelveli District.
6. K.Paramasivam

... Respondents 2 to 5/
Respondents 1 to 4

... 6th Respondent/
10th Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order,
dated 25.01.2023, passed in W.P.(MD) No.28238 of 2022, on the file of this
Court.



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For Appellants : Mr.S.M.Mohan Gandhi

For Respondents : Mr.R.Subramanian
for M/s.A.Robinson for R1
Mr.M.Prakash
Additional Government Pleader for R2 to R5

J U D G M E N T

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The prayer in the writ petition reads as follows:-

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a WRIT OF CERTIORARI, to call for the impugned General Power of Attorney dated 23.06.2022 in Document No.25 of 2022 on the file of the Registrar, Radhapuram, in Tirunelveli District and quash the same as illegal.”

2. The Writ Court had allowed the writ petition on the finding that the provisions of Section 64-A of the Registration Act have been breached. The Powers of Attorney have been executed by persons residing at various places and registered at the office of the Sub Registrar, Radhapuram. None of the executants



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are residents of Radhapuram. The property, the subject matter of the Powers of Attorney are also not situate within the jurisdiction of the Sub Registrar, Radhapuram. Therefore, we are unable to fault the Writ Court for nullifying the said Powers of Attorney. Hence, the writ appeal fails and it is accordingly dismissed. It will be open to the appellants to have the Powers of Attorney executed and registered at the proper place.

3. Learned counsel for the appellant would address a grievance that the petitioner in the writ petition is attempting to sell the property. It will be open to the appellants to move the appropriate civil Court if they are aggrieved by such sale. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : No
Index : No
Internet : Yes
PKN



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R.SUBRAMANIAN, J.
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L.VICTORIA GOWRI, J.

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