



WP(MD)Nos.13410 & 15961 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP.(MD)Nos.13410 & 15961 of 2023
WMP(MD) Nos.11319 & 13357 of 2023

WP.(MD)Nos.13410 of 2023:

Tamilmani

... Petitioner

Vs

1.The District Registrar,
District Registration Office,
Ramanathapuram District.

2.The Sub Registrar,
Sub Registrar Office,
Muthukulathur,
Ramanathapuram District.

3.Pathinettam Padiyan.

4.Maruthupandian

... Respondents

WP.(MD)Nos.15961 of 2023:

K.Pathinettampadiyan

... Petitioner

Vs



WP(MD)Nos.13410 & 15961 of 2023

1.The District Registrar,
District Registration Office,
Ramanathapuram,
Ramanathapuram District.

2.The Sub Registrar,
Office of the Sub Registrar,
Muthukulathur,
Ramanathapuram District.

3.Maruthupandian ... Respondents

Prayer in WP(MD) No.13410 of 2023: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent from restraining the respondents 3 & 4 to register the cancellation of power deed Doc.No.1389 of 2021 on the file of the second respondent office by considering the petitioner's objection petition in Receipt No.330/2023, dated 14.02.2023.

Prayer in WP(MD) No.15961 of 2023: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent vide his proceedings in RFL/Muthukulathur/25/2023, dated 19.06.2023 and quash the same as illegal and direct the second respondent to register



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the document submitted by the petitioner for cancelling the Power Deed executed in favour of the third respondent vide Document No. 1389 of 2021.

For Petitioner : Mr.S.Vikram
For R3 : Mr.V.Selvakumar
(in WP(MD) No.13410 of 2023)
For Petitioner : Mr.V.Selvakumar
(in WP(MD) No.15961 of 2023)

For R1 & R2 : Mr.J.John Rajadurai
Government Advocate
(In both WPs)

COMMON ORDER

WP(MD) No.13410 of 2023 is filed by one Tamilmani for a Mandamus, directing the Sub Registrar, Muthukulathur not to register the cancellation deed submitted by the third respondent/ Pathinettam Padiyan as document No.1389/2021.

2.The case of the petitioner Tamilmani is that the third respondent/ Pathinettam Padiyan has executed a power deed in favour of one Maruthupandian/the fourth respondent, with regard to his



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properties to an extent of 83 cents in Survey No.254/A4 of Melamuthukulathur Revenue Village, Muthukulathur Taluk, Ramanathapuram District, by a registered Power Deed, dated 04.10.2021, based on which, the petitioner Tamilmani has also entered into a sale agreement with the fourth respondent. While so, on the dispute between the respondents 3 & 4, the third respondent has submitted a document to cancel the power deed, which has been given to the fourth respondent. Since the petitioner has entered into a sale agreement based on the power deed, the petitioner has filed this writ petition for the above relief.

3.The third respondent/ Pathinettam Padiyan has filed the subsequent writ petition in WP(MD)No.15961 of 2023 as against the order passed by the Sub Registrar, Muthukulathur refusing to entertain the document submitted by the third respondent for cancelling the power deed, dated 04.10.2021.



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4.The learned counsel appearing for Pathinettam Padiyan submits that the power deed was given to Marthapandian on bonafide that he will sell the property in Survey No.254/4A in a proper manner. However, Maruthupandian colluding with his sister, Tamilmani has created a document as if he entered into a sale agreement with his sister for his property in Survey No.254/4A to an extent of 83 cents for a sale consideration of Rs.1,00,000/-. The learned counsel submits that the value of the property is more than 1 ½ Crores. However, the document has been created as if the entire property has been agreed to sell for a sum of Rs.1,00,000/- and that too by way of an unregistered document. Knowing that he has submitted an application to cancel the document, in and by which, he has given power to Maruthupandian on 04.10.2021. This document submitted by Pathinettam Padiyan for cancellation was rejected for the reasons that the petition in WP(MD) No.13410 of 2023 filed by Tamilmani is pending before this Court.



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5.Since the issue in both the writ petitions are inter-linked with each other, both the writ petitions are taken up for hearing together and disposed of by way of this common order.

6.The writ petitioner in WP(MD) No.13410 of 2023 is an agreement holder with Maruthupandian for purchase of property in Survey No.254/4A. The petitioner Tamilmani claims her right through an unregistered document even before the registration. The original owner of the property has filed an application for cancelling the power deed, which he has given to Maruthupandian. The power holder Maruthupandian has not raised any objection. Therefore, this Court is not inclined to entertain this writ petition in WP(MD) No.13410 of 2023 and accordingly, WP(MD) No.13410 of 2023 is dismissed.

7.The order impugned in WP(MD) No.15961 of 2023 is only with regard to the reference of pendency of writ petition in



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WP(MD) No.13410 of 2023. Since the writ petition in WP(MD) No. 13410 of 2023 itself is dismissed by this Court today, the impugned order is set aside with a liberty to the petitioner in WP(MD) No.15961 of 2023 to submit an application afresh and on filing of such application, the same shall be considered by the second respondent in accordance with law. The petitioner/Tamilmani in WP(MD) No.13410 of 2023 shall work out her remedy by filing a separate suit for damages, if any as against the power holder/Maruthupandian. Accordingly, the writ petition in WP(MD) No.15961 of 2023 is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

04.07.2023

NCC : Yes / No.

Index : Yes / No.

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To
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- 1.The District Registrar,
District Registration Office,
Ramanathapuram District.
- 2.The Sub Registrar,
Sub Registrar Office,
Muthukulathur,
Ramanathapuram District.



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B.PUGALENDHI, J.

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Common Order made in
WP.(MD)Nos.13410 & 15961 of 2023
WMP(MD) Nos.11319 & 13357 of 2023

04.07.2023