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W.P.(MD)NO.27758 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.27758 of 2022

M.Alagumurugan

... Petitioner

Vs.

1. The District Registrar,
Periyakulam Registrar Office,
Periyakulam, Theni District.

2. M.Arivalagan

3. R.Jeyakannu

4. S.Govindharajan

5. S.Uthaya Narayana

6. R.Raja Moorthy

7. S.Shanmugam

8. S.Balakumar

9. M.Paalthurai

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to cancel the registered bogus documents viz., registered power of attorney document No.J+I, 43/1999



dated 01.04.1999 and sale deed document No.1460/1999 dated 13.07.1999, 371/1999 dated 03.01.2000, 1330/2000 dated 25.04.2000, 2510/2020 dated 04.11.2020, 2673/2021 dated 11.10.2021, 1909/2022 dated 15.07.2022 executed by the respondents No.2 to 9 by considering the petitioner's representation dated 05.09.2022 and for other such reliefs, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For R-1 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

For R-3 : Mr.J.Anand Kumar

For R-4 & R-9 : Mr.V.P.Rajan

For R-6 : Mr.T.Pon Ramkumar

For R-2,R-7&R-8 : No appearance.

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner alleges that the second respondent herein who is none other than the biological brother executed a power of attorney in respect of the petition



mentioned property in favour of the third respondent. Based on the said power of attorney, subsequent transactions had also taken place. The petitioner now wants the first respondent to cancel the same.

3. The basic document was registered as early as on 01.04.1999. In fact during the relevant time, there was no provision or circular or statutory rule provided for cancellation of the registered documents. The right of the party will have to be determined based on the legal position that obtains when the execution originally took place. The petitioner's counsel would plead that he got the knowledge of 1999 document only recently. If that be so, the petitioner has to necessarily move only the jurisdictional civil Court for relief. The writ Court will not be justified in directing the registering authority to cancel the document that was registered way back on 01.04.1999.

4. Giving liberty to the petitioner to move the jurisdictional civil Court to work out his rights on merits and in accordance with law, this writ petition stands dismissed. No



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W.P.(MD)NO.27758 OF 2022

costs.

WEB COPY

09.01.2023

Index : Yes / No
Internet : Yes/ No

PMU

To:

The District Registrar,
Periyakulam Registrar Office,
Periyakulam, Theni District.



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G.R.SWAMINATHAN,J.

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