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W.P.(MD)NO.27977 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.27977 of 2022

V.Nagarajan

... Petitioner

Vs.

1. The District Registrar,
Tuticorin District, Tuticorin.

2. The Sub Registrar,
Sub Registrar Office,
Ottapidaram,
Ottapidaram Taluk,
Tuticorin District.

3. R.Vinothkumar

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the representation / appeal petition submitted by the petitioner on 12.07.2022 to cancel the General Power No.378/2004 dated 13.09.2004 and sale documents D.No.537/2007 dated 09.03.2007, document No.5212/2016 dated 03.06.2016 in respect of land in S. No.99/5A and 292/1B in Kanthasampuram Village, Ottapidaram Taluk, Thoothukudi District respectively and to restore the encumbrance in the name of the petitioner within a time frame fixed by this Court.



For Petitioner : Mr.T.Chandrasekaran

For R-1 & R-2 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

For R-3 : No appearance.

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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the official respondents.

2. The petitioner wants this Court to direct the respondent to cancel the petition mentioned document. It is seen that the basic power of attorney was registered in the year 2004. Based on the same, the sale deed was registered in the year 2016. Based on the sale deed, subsequent transactions were also entered into.

3. If according to the petitioner these transactions have impinged on his civil rights, the petitioner has to necessarily



move the jurisdictional civil Court for appropriate relief. It is relevant to note that during the relevant time, there was no circular or statutory provision authorising the District Registrar to cancel such documents, even if I assume that they are fraudulent in nature.

4. Granting liberty to the petitioner to move the jurisdictional civil Court, this writ petition stands disposed of. No costs.

19.01.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The District Registrar,
Tuticorin District, Tuticorin.
2. The Sub Registrar,
Sub Registrar Office,
Ottapidaram,
Ottapidaram Taluk,
Tuticorin District.



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G.R.SWAMINATHAN,J.

PMU

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