



W.P(MD)No.27082 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27082 of 2023

T.Srinivasan

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai – 600 028.

2.The Deputy Inspector General of Registration,
Office of the Deputy Inspector General of Registration,
Madurai.

3.The District Registrar,
Madurai South,
Madurai District.

4.The Sub Registrar,
Arasadi Sub Registrar Office,
Arasadi,
Madurai.

5.Sakthi

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 3 and 4 to make an entry in the index and a foot note in the list of encumbrance in Book - 1, as to execution of the fraudulent power deed bearing Doc.No.2340/2013 dated 21.06.2013 on the file of the fourth respondent in respect of petitioner's property comprised in Survey No.29/2B, Block No.3, T.S.Ward No.5, Madurai West Taluk, Madurai District.

For Petitioner : Mr.R.Siva Kumar

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.4

ORDER

The grievance of the petitioner is that after selling the entire property in favour of his father Thiru.Thiruvengadam, one of the vendors chose to execute a power of attorney bearing Document No.2340/2013. The grievance of the petitioner is that based on this power, no further transaction must take place.



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2. In fact, the petitioner's request was already accepted. But then, while granting relief, the authority appears to have passed an order to the effect that no transaction can take place in respect of the petition mentioned survey number. The petitioner has quite a few options before him.

- a) He can challenge the order passed by the authority and seek modification of the relief
- b) He can file a civil suit for declaring the said power of attorney to be invalid or null and void
- c) He can await the outcome of the Larger Bench in respect of the scope and applicability of Section 77-A of the Registration Act.

Granting liberty to the petitioner to work out his remedy by choosing any one of the options, this writ petition is disposed of. There shall be no order as to costs.

15.11.2023

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

MGA

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