



WEB COPY

W.P.No.1402 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.1402 of 2022

1.R.Ajesh Ram

2.R.Matheshram (Minor)

rep by his legal guardian S.Selvaraj

... Petitioners

vs

The District Registrar

Kamaraj Salai, Sakthi Nagar,

Saram, Puducherry – 605 013.

2.The Sub Registrar

(Neravy & TR Pattinam)

Neravy Salai, T.R.Pattinam

Karaikal, Puducherry – 609606.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to cancel the sale deed registered as Document No.110 of 2012 at Neravy Sub Registrar's Office in view of the order dated 14.05.2012 passed by the District Registrar, Puducherry in Appeal No.1 of 2012 and (b)mutate the records by adding Mr.Ajesh Ram and Maathesh Ram as the owners of the properties under 9 items specified in the Sale Deed Registered as Doc.No.110 of 2012 at Neravy Sub Registrar's office within the time frame as may be fixed by this Court.



For Petitioners : Mr.S.Sridharan
For Respondents : Mr.Ramasamy Meyyappan,
GA (Pondy)

ORDER

The grievance of the petitioner is that though the power of attorney executed by the grand mother of the petitioners was cancelled, based on which the document was came to be executed in favour of the third parties.

2. It is the contention of the petitioners that originally the Sub Registrar refused to register the general power of attorney, as against which an appeal has been filed. The appellate authority also upheld the order. In the meanwhile, the power of attorney has been registered even after the cancellation, the sale deed executed. Above facts are disputed facts.

3. The very nature of the pleadings indicate only the disputed facts, it has to be established before the appropriate Civil Court. The Writ Court cannot go in the disputed facts.

4. Further, the District Registrar also cannot go into all the aspects, whether the power of attorney is coupled with interest or simplicitor has to



be looked into based on evidence before civil court. The petitioners is at liberty to work out their remedy before the appropriate Civil Court.

WEB COPY

5. In the result, the writ petition is dismissed. No costs.

12.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

tsh

To

The District Registrar
Kamaraj Salai, Sakthi Nagar,
Saram, Puducherry – 605 013.

2.The Sub Registrar
(Neravy & TR Pattinam)
Neravy Salai, T.R.Pattinam
Karaikal, Puducherry – 609606.



WEB COPY

W.P.No.1402 of 2022



N.SATHISH KUMAR, J.

tsh

W.P.No.1402 of 2022

12.07.2024