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W.P.No.21004/2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 04-04-2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.21004 of 2018

C.Nagarajan

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Petitioner

-VS-

1.The Registrar General,
Registration Department,
Mylapore, Chennai – 600 028.

2.The Sub-Registrar,
Registration Department,
Thiruvallur District.

3.M.Kisan Lal

4.M.Lakshmanram

5.K.Himanshi

...

Respondents

Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus directing the respondents 1 and 2 to cancel the sale deed document bearing No.4389 of 2010, dated 26.04.2010.

For Petitioner : Mr.R.Karunakaran

For Respondents 1 & 2 : Mr.L.S.M.Hasan Fizal,
Addl.Govt.Pleader.

For Respondents 3 to 5 : Mr.L.Chandrakumar



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ORDER

This Writ Petition has been filed praying for a direction to the respondents 1 and 2 to cancel the sale deed document bearing No.4389 of 2010, dated 26.04.2010.

2. The contention of the petitioner is that the property in question originally belonged to one M.Saraswathi Ammal. She had two sons and one of the sons, namely, M.Vijaya Kumar executed General Power of Attorney on 24.12.2009. Thereafter, he died on 16.04.2010. Based on the said Power of Attorney, the document in question has been executed by the Power Agent on 26.04.2010 in favour of fifth respondent. According to him, the Power of Attorney is not valid in the eye of law. Hence, he seeks for a direction to cancel the sale deed.

3. Fourth respondent has filed a counter, contending that Vijaya Kumar entered into an Agreement of Sale on 24.12.2009 in favour of fourth respondent after receiving a consideration of Rs.61,21,000/- and the Power of Attorney also registered same, coupled with interest. Accordingly, he disputed the contention of the petitioner.

4. Fifth respondent is the subsequent purchaser, who also submitted that the document cannot be cancelled by the respondent authority.

5. It is fairly admitted by the writ petitioner that a civil suit is already filed with regard to the subject matter in O.S.No.23 of 2013 on the file of Sub-Court, Thiruvallur.



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6. Therefore, this Court is of the view that the petitioner has to establish his right in the civil suit. As far as the cancellation of the document by the registering authority is concerned, except the documents registered contrary to Sections 22A and 22B of the Registration Act with regard to forgery, all other documents cannot be cancelled.

7. In such view of the matter, issuance of a direction to the respondent authorities as prayed for by the petitioner will be a futile exercise. Therefore, this Writ Petition is dismissed. No costs. Consequently, the connected W.M.P.No.24670 of 2018 is closed.

04-04-2024

Index : Yes/No
Internet : Yes/No
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To

1.The Registrar General,
Registration Department,
Mylapore, Chennai – 600 028.

2.The Sub-Registrar,
Registration Department,
Thiruvallur District.



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N.SATHISH KUMAR, J.

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