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W.P.No.28055 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

Coram

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition No.28055 of 2022

and

W.M.P. No.27342 of 2022

Jothi

..... Petitioner

-Versus-

1.The Deputy Inspector General of Registration,  
Vellore.

2.The District Registrar (Administration),  
Arakonam Registration District,  
Arakonam.

3.The Sub Registrar,  
Kaveripakkam Sub-Registry,  
Kaveripakkam.

4.S.B.Murugan

..... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records and quash the impugned order dated 10.08.2022 passed by the 1<sup>st</sup> respondent in her proceedings No.4520/Aa1/2021 confirming the order dated 14.12.2021 passed by the 2<sup>nd</sup> respondent in his proceedings No.4202/A2/2021.



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*For Petitioner* : Mr.D.Baskar

*For Respondent (s)* : Mr.L.S.M.Hasan Fizal,  
Additional Government Pleader  
for RR1 to 3

: Mr.Ashlin Christo  
for Mr.Rohan Rajasekaran for R4

### **ORDER**

This petition has been filed challenging the order dated 10.08.2022 made by the 1<sup>st</sup> respondent in her proceedings No.4520/Aa1/2021 confirming the order dated 14.12.2021 made by the 2<sup>nd</sup> respondent in his proceedings No.4202/A2/2021 cancelling the Power of Attorney dated 25.08.2021 registered as Doc.No.3855/2021 and Sale Deed dated 26.08.2021 registered as Doc.No.3902/2021 on the file of the Sub Registrar, Kaveripakkam.

2. The case of the petitioner is that he purchased a property measuring an extent of 1760 square feet comprised in gramamatham S.No.59/P (Old S.NO.59) at Panapakkam village, Nemili Taluk, Ranipet District, for a valuable consideration through a sale deed dated 26.08.2021 from Mrs.Sarala who inherited the same on the death of her father-Gopal, represented by her power agent-Ganesan. While so, the 4<sup>th</sup> respondent made a claim as if he purchased an extent of 1360 square feet and 123.75 square feet in all 1483.75 square feet



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from Gopal who executed the sale deed for himself and on behalf of his daughter-Sarala who was then a minor. The 4<sup>th</sup> respondent approached the 2<sup>nd</sup> respondent seeking to cancel the sale deed executed in favour of the petitioner by Sarala and not to entertain any further transactions. The 2<sup>nd</sup> respondent by order dated 14.12.2021 holding that the registration of sale deed in the name of the petitioner by one Sarala represented by her Power Agent - Ganesan was found to be a fraudulent transactions and while cancelling the General Power of Attorney and Sale Deed ordered for initiation of criminal prosecution against the petitioner. It is this order which is now under challenge in this writ petition.

3. Though a counter affidavit has been filed by the 3<sup>rd</sup> respondent, it is seen from the counter affidavit that the 3<sup>rd</sup> respondent has not at all traversed the averments made in the writ petition and in fact he admitted that those are all matter of facts.

4. Heard both sides.

5. The impugned order, however, does not indicate any impersonation or forgery. The impugned order proceeded that there were only disputes regarding boundaries and location of the property. Merely because there was a sale deed executed in respect of the very same survey number it cannot be said that the execution of power of attorney followed by sale deed are fraudulent transactions and a result of a forgery.



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6. It is needless to state that there is no other provision in the Registration Act, 1908 to cancel a registered document by the District Registrars, except the provision under Section 77-A of the Act, which empowers the District Registrars to conduct summary proceedings and to identify fraud or impersonation with reference to the provisions of the Registration Act, more specifically, the procedures as contemplated under the Act and Rules.

7. Now, it is stated by both the petitioner and the 4<sup>th</sup> respondent that a civil suit in O.S.No.271 of 2021 on the file of the Subordinate Judge, Arakkonam, is pending between them. The suit was actually filed by the petitioner against the 4<sup>th</sup> respondent for declaration of her title to the suit property and for consequential injunction.

8. In the light of the legal position and the facts and circumstances of the case, proceedings of the 1<sup>st</sup> respondent is liable to be set aside. It is for the petitioner and the 4<sup>th</sup> respondent to establish their right in the manner known to law in the pending suit referred to above.

**In the result,** the the writ petition is allowed and the impugned proceedings of the 1<sup>st</sup> respondent is set aside. The private parties shall workout their remedy in the pending suit. The learned Subordinate Judge, Arakkonam, shall decide the suit in O.S.No.271 of 2021 on its own merits without being influenced by any of the observations made herein above. No costs.



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Consequently, connected WMP is closed.

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Index : yes / no  
Neutral Citation : yes / no

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To

- 1.The Deputy Inspector General of Registration, Vellore.
- 2.The District Registrar (Administration), Arakonam Registration District, Arakonam, Arakonam District.
- 3.The Sub Registrar, Kaveripakkam Sub-Registry, Kaveripakkam.



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N.SATHISH KUMAR.J.,

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