



WEB COPY



W.A.No.2458 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE P. DHANABAL

W.A.No.2458 of 2022

and

C.M.P.No.19117 of 2022

1.P.Ravichandran
2.R.Vijayalakshmi

... Appellants

Vs.

- 1.The Inspector General of Registration,
Chennai – 600 028.
- 2.The District Registrar (Administration)
Coimbatore.
- 3.The District Registrar (Administration)
Tirupur.
- 4.The District Registrar (Administration)
Namakkal.
- 5.The Sub-Registrar,
Komangalam.



W.A.No.2458 of 2022

6.The Sub-Registrar,
Sulur.

7.The Sub-Registrar,
Rasipuram.

8.S.Selvakumar
Sub-Registrar,
Sulur, Coimbatore District.

9.S.Senguttuvan,
Sub-Registrar,
Sulur, Coimbatore District.

10.A.Natarajan,
Sub-Registrar,
Komangalam, Coimbatore.

11.N.Mohan

12.N.Rajagopal

13.N.Balasubramnian

... Respondents

Prayer : Writ Appeal filed under Clause 15 of Letters Patent against the order dated 17.08.2022 made in W.P.No.10745 of 2016 on the file of this Court.

For Appellants : Mrs.A.L.Gandhimathi
Senior Counsel
for Mr.M.Kamalanathan



WEB COPY



W.A.No.2458 of 2022

For R1 to R7 : Mr.C.Sathish
Government Advocate

For R13 : Mr.N.C.Ramesh
Senior Counsel
for Mr.D.Rajagopal

For R11 : Mr.A.K.R.Ravi

J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

This Writ Appeal is directed against the order of the learned Single Judge dated 17.08.2022 in W.P.No.10745 of 2016, dismissing the writ petition filed by the appellants for issuance of a Writ of Certiorarified Mandamus to quash the proceedings of the 1st respondent dated 09.07.2015 and to direct the respondents 1 to 7 to cancel the registered documents of sale referred to in the writ petition.

2.Brief facts that are necessary for the disposal of this Appeal are as follows :



W.A.No.2458 of 2022

WEB COPY

2.1.The appellants are the absolute owners of the property which is the subject matter of the sale deeds referred to in the writ petition. It is admitted by the appellants that a Power of Attorney Deed was executed on 07.07.2008 in favour of the 11th respondent. The 11th respondent entered into three sale agreements in respect of the property for which he was appointed as Power of Attorney Agent. The 12th respondent herein is the agreement holder. It is also admitted that the appellants cancelled the Power of Attorney Deed on 18.12.2008. However, the Sub-Registrars concerned, namely respondents 5 to 7, accepted the four sale deeds executed by 11th respondent in favour of 13th respondent and the respondents 5 to 7 registered all these documents despite protest petition filed by the appellants informing the Sub-Registrars that the appellants have cancelled the Power of Attorney Deed by a document dated 18.12.2008 and that therefore, the 11th respondent has no power to present or execute the document on behalf of the appellants.

2.2.The appellants' contention as regards execution of Power of



W.A.No.2458 of 2022

Attorney Deed and the cancellation of the Power of Attorney Deed are not in dispute. However, the 11th respondent projected a case that the Power of Attorney was coupled with interest and that therefore, unilateral cancellation of the Power of Attorney Deed itself is questionable.

2.3.It is also admitted that the appellants have filed three Civil Suits against private respondents in O.S.No.227 of 2009 before the District Munsif Court, Udumalpet, O.S.No.2218 of 2012 before the III Additional District Munsif Court, Coimbatore and in O.S.No.2999 of 2012 before the District Munsif Court, Coimbatore, in respect of the properties which were sold by the 11th respondent as Power of Attorney Agent of the appellants in favour of other contesting respondents. The Civil Suits are now pending against the contesting respondents and the Sub-Registrars were also made as parties. The first suit is for injunction and in the other two suits, the appellants have prayed for cancellation of all the sale deeds executed by 11th respondent as Power of Attorney Agent of appellants and for consequential reliefs.



W.A.No.2458 of 2022

3.Since the appellants have filed Civil Suits and the Civil Suits are pending, the learned Single Judge, without going into the merits of the case, dismissed the writ petition with a liberty preserved to the writ petitioners to prosecute the suits. As against that, the writ petitioners have preferred the above Appeal.

4.We spent enormous time in appreciating the contentions raised by the learned Senior Counsel appearing for the appellants. We are *prima facie* convinced that the appellants are entitled to approach this Court under Article 226 of the Constitution of India on the basis of the judgment of the Hon'ble Supreme Court in ***Asset Reconstruction Company [India] Limited Vs. S.P.Velayutham and others*** reported in ***2022 (8) SCC 210***. However, the learned Senior Counsel appearing for the respondents submitted that the learned Judge is right in dismissing the writ petition as the appellants have availed the effective remedy by approaching the Civil Court.



WEB COPY

5.Assuming for a moment, the appellants succeed in the writ petition, the appellants have to approach the Civil Court for getting consequential reliefs like injunction and other reliefs. In such circumstances, this Court, though finds that the Sub-Registrars have failed to perform their duties as contemplated under the Registration Act, is of the view that the writ petition is liable to be dismissed only on the ground that the appellants have approached the alternative remedy of approaching the Civil Court by filing three suits above referred to, not only for declaration as to the character of documents executed, but also for consequential reliefs to protect possession. Therefore, without deciding the *lis* on merits, **this Writ Appeal is dismissed** and as observed earlier, the Civil Court shall consider all the points and decide the three suits on merits and in accordance with law uninfluenced by any of the observations made by this Court or the contentions raised by the statutory authorities in this proceedings. It is also open to the parties to raise all the issues, both factual and legal, before the Civil Court. It is also open to the appellants to seek appropriate interim relief before the Civil Court, since the Civil Court has now seized of the matter to decide every issue that arise for consideration in the suits between the parties. If an



W.A.No.2458 of 2022

application is filed by the appellants for interim relief to preserve status *quo* or to protect the interest of the parties during the pendency of the *lis*, the Civil Court may pass appropriate orders so that unnecessarily third party interest cannot be created during pendency of the proceedings. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (P.D.B., J.)
28.11.2024

mkn

Internet : Yes

Index : Yes

Neutral Citation : Yes

To

- 1.The Inspector General of Registration,
Chennai – 600 028.
- 2.The District Registrar (Administration)
Coimbatore.
- 3.The District Registrar (Administration)
Tirupur.
- 4.The District Registrar (Administration)
Namakkal.
- 5.The Sub-Registrar,
Komangalam.



W.A.No.2458 of 2022

6.The Sub-Registrar,
Sulur.

WEB COPY

7.The Sub-Registrar,
Rasipuram.

S.S. SUNDAR, J.
and
P. DHANABAL, J.



WEB COPY



W.A.No.2458 of 2022

mkn

W.A.No.2458 of 2022

28.11.2024