



W.P.No.28285 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.11.2024

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**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**W.P.No. 28285 of 2023**

**&**

**W.M.P.No. 27807 of 2023**

K.G.Ganesh

...Petitioner

Vs.

1.The Deputy Inspector General of Registration  
Coimbatore Zone,  
Office of the District Registrar,  
Coimbatore

2.The District Registrar,  
Adminsitration (AIG Cadre)  
Coimbatore South,  
Office of the District Registrar,  
Coimbatore.

3.The Sub Registrar,  
Madukkarai,  
Coimbatore District.

4.Ravi Mehra

5.V.Thulasimani

6.Bhuvaneshwari



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7.Muthukrishnavel

8.Selvarathinam

9.S.Selvanayagi

10.S.Selvakrishna

11.S.Selvasriram

12.K.Sivaprakash

...Respondents

**Prayer:** Writ Petition is filed under Article 226 to issue a Writ of Certiorari, call for the records relating to the impugned order of the 1st respondent dated 20.07.2023 in Na.Ka. No.5005/ E2/ 2022 and quash the same.

For Petitioner : Mrs. A.L.Ganthimathi  
Senior Counsel  
For Mr.L.Palani Muthu

For Respondents : Mr. P.Harish  
1 to 3 Government Advocate

For Respondent 4: Mr. R.Viduthalai  
Senior Counsel.  
Mr. V.Arun.

For Respondents : Mr. N.Manokaran  
5, 8 to 11

For Respondents : Not Ready in notice.  
6, 7 and 12.



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## **ORDER**

The Writ Petition has been filed for the following relief:

*“To call for the records relating to the impugned order of the 1st respondent dated 20.07.2023 in Na.Ka. No.5005/ E2/ 2022 and quash the same.”*

2. The petitioner would submit that the property which is the subject matter of the Writ Petition belonged to the family of Periya Pappu @ K.N.Muthusamy and Chinna Pappu @ Ramasamy. Under a registered partition deed dated 13.05.1979, the properties were allotted to the share of one Thulasimani, the 5<sup>th</sup> respondent in the present Writ Petition. She had appointed her brother Muthukrishnavel as a power of attorney under a registered deed dated 01.10.1984.

3. On the basis of this document, the property measuring an extent of 4.82 acres were sold under a registered sale deed dated



19.11.1984. However, the said Thulasimani was in possession and enjoyment of the property exercising her right over the same as an absolute owner. Revenue records also stood in her name. The said Thulasimani cancelled the power of attorney in favour of her brother Muthukrishnavel, by a cancellation deed dated 20.02.1996.

4. On the very same day, she had appointed Bhuvaneshwari, the 6<sup>th</sup> respondent herein and the wife of Muthukrishnavel as a power of attorney. This power was also cancelled under a registered cancellation deed dated 01.06.1999. Despite the cancellation, the 6<sup>th</sup> respondent had sold an extent of 20.30 acres to one Rajan Mehran represented by his power of attorney Ravi Mehra, the 4<sup>th</sup> respondent under a registered sale deed dated 13.10.2005. The said sale is totally invalid as it is executed after the cancellation of the power of attorney.

5. The 5<sup>th</sup> respondent filed a suit in O.S.No.1383 of 2011 against Rajan Mehra and his power of attorney Ravi Mehra, for a declaration that she is the absolute owner of the property and declaration that the



sale deed dated 13.10.2005 is null and void and unenforceable and restrain the defendants 2 and 3 therein from alternating the physical features of the suit property.

6. While the suit was pending, the 5<sup>th</sup> respondent had also given a petition to the 2<sup>nd</sup> respondent, namely, the District Registrar on 12.10.2021 for cancelling the sale deed dated 13.10.2005 executed in favour of Ravi Mehra. Criminal complaints were also initiated. The 2<sup>nd</sup> respondent after enquiry found that the sale deed registered in favour of Ravi Mehra was fraudulently done by suppressing the fact that the power of attorney had already been cancelled. Therefore, directed criminal proceedings under Section 82 and 83 of the Registration Act.

7. The said Rajan Mehra and Ravi Mehra had filed an appeal before the 1<sup>st</sup> respondent on 17.10.2022. Though the said Rajan Mehra died on 10.11.2022, the appeal was proceeded without intimating the death and the 1<sup>st</sup> respondent despite finding that the sale deed has been



executed after the cancellation of the power of attorney had directed the parties to approach the Civil Court.

8. Challenging the said order, the petitioner is before this Court stating that once the document is found to be fraudulent there is no necessity for once again referring the parties back to the Civil Court.

9. Heard the learned counsels on the either side and perused the records.

10. It has been informed to this Court that the suit filed by the 5<sup>th</sup> respondent was withdrawn after the orders had been passed by the 2<sup>nd</sup> respondent cancelling the sale deed. However, in the light of the Judgement of the Division Bench of this Court in **2020 (4) CTC 769 – *M.Kathirvel and others Vs. Inspector General of Registration***, the right granted to the Sub Registrar under Section 77 A of the Registration Act which had been inserted by the Tamil Nadu Amendment Act, held to be unconstitutional.



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11. In the light of the above Judgement, the relief claimed in the Writ Petition cannot be granted and the Writ Petition is liable to be dismissed.

12. Mrs.A.L.Gandhimathi, learned senior counsel appearing for the petitioner would submit that the impugned order had directed them to approach the Civil Court and liberty may be granted. While dismissing the Writ Petition, it is open to the Writ Petitioner to initiate such Civil proceedings as advised and it is open to the respondents to raise such defense as available to them.

13. In the result, the Writ Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

**07.11.2024**

Index : Yes/No  
Internet : Yes/No  
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**P.T. ASHA. J,**

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