



W.P.No.31028 of 2018

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.31028 of 2018

and

W.M.P.Nos.36202 and 36205 of 2018

V.Udhayakumar

... Petitioner

Vs.

1.The Sub-Registrar,
4 Line Road, Mangalam Road,
Palladam Circle,
Tiruppur – 641 664.

2.Rajeswari

3.Subbu Rathinam,
The Inspector of Police,
P-1 Palladam Police Station (L&O),
Tiruppur – 641 664.

(R3 impleaded vide order dated 11.02.2019
made in W.M.P.No.39913 of 2018 in
W.P.No.31028 of 2018)

4.The District Registrar (Administration),
Office of the District Registrar,
Tiruppur.

(R4 impleaded *suo motu* vide order of
this Court dated 30.07.2024
in W.P.No.31028 of 2018)

... Respondents



W.P.No.31028 of 2018

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the first respondent to restore the Power of Attorney vide No.1442/2010 dated 01.07.2010 and consequently adjudicate the Sale Deed pending No.TP/47226682 dated 23.10.2018 in the Sub-Registrar, 4 Line Road, Mangalam Road, Palladam Circle, Tiruppur – 641 664 and release the said Sale Deed.

For Petitioner : Mr.Silambanan
Senior Counsel
for M/s.Kaavya Silambanan Associates

For Respondents :
For R1, R3 and R4 : Mr.P.Anandakumar
Government Advocate

For R2 : Mr.D.Padmanabha

ORDER

This Writ Petition has been filed seeking for issuance of a mandamus, to direct the first respondent to restore the Power of Attorney vide No.1442/2010 dated 01.07.2010 and consequently adjudicate the Sale Deed pending No.TP/47226682 dated 23.10.2018 in the Sub-Registrar, 4 Line Road, Mangalam Road, Palladam Circle, Tiruppur – 641 664 and release the said Sale Deed.

2. The brief facts of the case are as follows:-

2.1. The property measuring about 3 cents bearing Survey No.263/1A1 situated at Door No.10-1, Chinnaya Gounder Street, Palladam West, Palladam



W.P.No.31028 of 2018

Circle, Tiruppur, originally belonged to one Mrs.Subbathal, who is the mother of the second respondent. Subsequently, all the legal heirs of Mrs.Subbathal had executed the Release Deed in favour of the second respondent on 28.03.2006. The second respondent approached one Mrs.Patteaswari, who is the mother of the petitioner, for sale of the above said property to the petitioner's mother. The sale consideration was fixed at Rs.6,00,000/- for the above said property. Initially, the second respondent received Rs.2,00,000/- earnest money from the mother of the petitioner. On 01.07.2010, the mother of the petitioner and the second respondent went to the Registrar Office to execute the Sale Deed for the above said property. On the same day i.e., on 01.07.2010, the second respondent received the entire balance of the sale consideration from the mother of the petitioner. The then Sub-Registrar refused to register the Sale Deed stating that the said property is without Chitta and classified as Grama Natham Land. Immediately, the petitioner's mother refused to purchase the above said property and requested the refund of entire sale consideration money from the second respondent. The second respondent requested the mother of the petitioner and undertook to furnish the revenue and other documents for the said property within 6 months and is willing to give Power of Attorney for the lands.



W.P.No.31028 of 2018

WEB COPY

2.2. On 01.07.2010, the second respondent executed the Power of Attorney in favour of the petitioner's mother. The petitioner's mother frequently approached the second respondent for execution of the Sale Deed in her favour and to provide her with proper revenue documents for the above said property. Subsequently, the second respondent provided a consent letter to the municipal departments in favour of the petitioner's mother. Hence, the municipal authorities transferred the name in property tax and water tax bills in favour of the petitioner's mother. Subsequently, the electricity consumption name was also changed in favour of the petitioner's mother. On 21.08.2018, the petitioner's father died. The mother of the decided to settle the above said property in favour of the petitioner due to the old age. The petitioner's mother approached the first respondent to execute a Settlement Deed in favour of the petitioner. The first respondent advised the mother of the petitioner to execute the Sale Deed in favour of the petitioner. Hence, the mother of the petitioner approached the second respondent for collection of life certificate for executing the Sale Deed. The second respondent furnished the life certificate to the petitioner's mother dated 22.10.2018. The petitioner and the mother of the petitioner presented the Sale Deed documents to the first respondent dated



W.P.No.31028 of 2018

23.10.2010. Suddenly, the first respondent claimed huge money from the mother of the petitioner.

2.3. The first respondent informed the petitioner that if the petitioner does not pay the said amount claimed by him, he will cancel the Power of Attorney of the said property. The petitioner did not give money to the first respondent, the petitioner decided to approach the issue legally. However, the first respondent without adjudicating the Sale Deed documents kept it as pending Doc.No.TP/47226682 dated 23.10.2018. It is submitted that due to oversight/deepavali festival, the petitioner was unable to approach the first respondent. Meanwhile, the petitioner's mother received the Legal Notice from the second respondent dated 08.11.2018, which was received on 09.11.2018. Surprisingly, the Legal Notice stated that the second respondent had refunded the sale consideration amount to mother of the petitioner and that she would cancel the Power of Attorney.

2.4. The petitioner approached the first respondent to adjudicate and execute the Sale Deed. The first respondent orally informed the petitioner that the said Power of Attorney was cancelled vide Doc.No.12755 of 2018 dated



W.P.No.31028 of 2018

10.11.2018, without any notice. Immediately, the petitioner verified the EC through online, the petitioner came to understand that the Power of Attorney was cancelled on 10.11.2018. Immediately, the petitioner's mother approached the second respondent, then only the petitioner came to understand at the instigation of the first respondent, the second respondent erroneously cancelled the Power of Attorney without following due procedure. Aggrieved by the same, the petitioner has come forward with the present writ petition.

3. Learned Government Advocate appearing for the first, third and fourth respondents submitted that the petitioner has to approach the District Registrar (Administration), Tiruppur, by filing an application under Section 72 of the Tamil Nadu Registration Act, 1908.

4. Since the petitioner has not impleaded the District Registrar (Administration), Tiruppur as a respondent, Court is inclined to *suo motu* implead the District Registrar (Administration), Tiruppur as a fourth respondent in this writ petition.



W.P.No.31028 of 2018

5. The petitioner is directed to file an application under Section 72 of the Tamil Nadu Registration Act, 1908 before the fourth respondent, within a period of two weeks from the date of receipt of a copy of this order.

6. On receipt of the same, the fourth respondent is directed to conduct a detail inquiry after giving due notice to both parties, opportunity of personal hearing, to consider the documents submitted by both parties, on merits, in accordance with law and pass appropriate orders by following the above principles of natural justice, within a period of three months from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above observations and directions. No costs. Connected Writ Miscellaneous Petitions are closed.

30.07.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

arb



WEB COPY



W.P.No.31028 of 2018

J.SATHYA NARAYANA PRASAD, J.

arb

To

- 1.The Sub-Registrar,
4 Line Road, Mangalam Road,
Palladam Circle,
Tiruppur – 641 664.
- 2.Subbu Rathinam,
The Inspector of Police,
P-1 Palladam Police Station (L&O),
Tiruppur – 641 664.
- 3.The District Registrar (Administration),
Office of the District Registrar,
Tiruppur.

W.P.No.31028 of 2018

30.07.2024