



W.P.(MD)No.4363 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2024

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.4363 of 2024

Chandrasekaran

... Petitioner

/Vs./

1. The District Registrar
Office of the District Registrar,
Madurai.
2. The Special Officer / Secretary,
Madurai City Co-Op Housing, Society
Limited. No. A2582, Plot No.481, K.K.Nagar,
Madurai - 625020.
3. The Sub Registrar (Pothumbu)
Sub Registrar Office,
Joint IV, Madurai.
4. The Registrar of Cooperative
Societies (Housing),, Chennai.
(R4 is suo motu Impleaded vide Court order
dated.27.02. 2024)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
to issue a Writ of Certiorari, to call for the records pertaining to the
impugned order issued by the 3rd respondent in his refusal check slip



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refusal No.RFL / Pothumbu / 57/2024 dated 13.02.2024 and quash the same as illegal and consequential direct the 3rd respondent to register the General Power of Attorney deed executed by petitioner in favour of K.Anand S/o. V.S.Karuppaiah dated 08.02.2024.

For Petitioner : Mr.R.SenthilKumar

For Respondents : Mr.M.Sarangan

Additional Government Pleader for R1,3&4

ORDER

This Writ Petition has been filed challenging the refusal check slip issued by the third respondent dated 13.02.2024, thereby refused to register the power of attorney document, which was presented for the petitioner for registration on the ground that the said property belonged to the second respondent herein.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner had purchased the property to an extent of 2809 sq.ft comprised in R.S.No.47/11 in plot No.8, situated at Pasupathi



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Nagar, Anaiyur I Bit village, Madurai, from the second respondent by the registered sale deed on 02.09.1994 vide Document No.4145/1994. Thereafter, the petitioner had executed a power of attorney to one V.S.Karuppaiah, to deal with the property and the same was registered on 15.11.2010 vide Document No.2587/2010. Thereafter, the said power of attorney, viz., V.S.Karuppaiah died and as such, once again the petitioner executed a power of attorney in favour of one K.Anand, who is the son of the said V.S.Karuppaiah, to deal with the subject property, on 08.02.2024 and presented the same for registration, on 13.02.2024, the same was refused to register by the third respondent, on the ground that the property belongs to the second respondent.

4. The learned counsel for the petitioner would submit that from the date of purchase the petitioner is in possession and enjoyment of the property. There is absolutely no document to show that the subject property belonging to the second respondent. In fact the petitioner purchased the subject property by a registered sale deed. Thereafter, the power of attorney duly registered in the year 2010 in favour of one V.S.Karuppaiah.



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5. The learned Additional Government Pleader would submit that in the year 1982, the second respondent subjected the land at measuring 9.79 Acres comprised in S.No.47/5 and 11 situated at Anaiyur Village in Madurai for lay out. The said lay out was approved and converted into 110 house plots as per the approved lay out, 47,369.59 sq.ft was ear marked for the purpose of establishing a children's park and shopping complex. The Special Officer of the second respondent suppressing the said fact, the land which was ear marked for common public purpose has been sold out in favour of the petitioner on 11.06.1994. That part, the petitioner become a member of the second respondent Society only on 10.06.1994 and on the next day, the petitioner had purchased the subject property, that too which was originally ear marked for public purpose. The land which was ear marked for open space reservation cannot be sold out and it cannot be used for any other purposes.

6. That apart, the plot can be sold out only to the members of the second respondent Society. Admittedly, the petitioner become a member of the second respondent Society only on 10.06.1994 and in order to



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purchase the subject property, with the collusion with the Special Officer.

Now, the said Special Officer, who executed the sale deed in favour of the petitioner, is facing Departmental proceedings, further criminal case also foisted as against him.

7. Therefore, the power of attorney, which was presented for registration is rightly rejected by the third respondent. This Court finds no infirmity or illegality in the order passed by the third respondent. Hence, this Writ Petition is dismissed. No costs.

10.12.2024

Internet : Yes/No
NCC : Yes / No
Index : Yes/No
LS

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Societies (Housing),, Chennai.

Order made in
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Dated:
10.12.2024