



W.P(MD).No.8655 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**W.P(MD).No.8655 of 2022
and W.M.P(MD).No.6355 of 2022**

S.Muthuramalingam

... Petitioner

Vs.,

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 28
- 2.The Deputy Inspector General of Registration,
Combined Registration Office Complex,
Y.Othakadai, Madurai 625107.
- 3.The District Registrar (Admin),
Madurai South,
Palace Road, Madurai.
- 4.The Sub-Registrar,
Sub Registrar Office,
Thirumangalam, Madurai.
- 5.N.Nagendra Kannan

6.A.Alagarsamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned order issued by the second respondent vide his proceeding in Na.Ka.No.1929/A14/2021, dated 28.03.2022 and quash the same as illegal.



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For Petitioner : Mr.C.Mayil Vahana Rajendran

For Respondents : Mr.P.Subbaraj (for R1 to R4)
Special Government Pleader

ORDER

Challenging the impugned order passed by the second respondent cancelling the power of attorney dated 17.05.2011 registered in favour of the petitioner.

2. It is the contention of the petitioner that the sixth respondent and his brother executed a power of attorney in favour of the petitioner dated 17.05.2011 in Doc No.513 of 2011. Pursuant to the same, the petitioner has constructed several plots in Survey No.89/3, T.Pudupatti Village, Thirumangalam Taluk, Madurai District and also sold it to the various customer. Now, on the complaint given by the fifth respondent before the authority as if the subject property belongs to him, enquiry was conducted and directed him to approach the competent civil Court. Without approaching the civil Court, the fifth respondent filed an appeal before the second respondent and the Appellate Authority without any valid material held that the document is forgery and cancelled the power of attorney registered in favour of the petitioner. Hence, the petitioner seeks direction of this Court.



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3. Head both sides and perused the entire material.

4. On perusal of the impugned order, it can be seen that the second respondent has passed the impugned order merely on the basis of the submission made by the appellant and no evidence was produced in this regard. Therefore, this Court is of the view that the order impugned in this petition cannot be sustained since the second respondent has no power to go into the issue to decide the title. This aspect has been elaborately dealt by this Court in W.P.No.29706 of 2022 [*G.Rajasulochana Vs. Inspector General of Registration and others*].

5. In that view of the matter, the order impugned in this petition dated 28.03.2022 in Na.Ka.No.1929/Aa4/2021 passed by the second respondent is hereby quashed and the petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

09.08.2024

NCC : Yes/No
Index : Yes/No
Rmk



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N.SATHISH KUMAR, J.

Rmk

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