



W.P.(MD)No.9322 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **28.11.2024**

CORAM:

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

W.P.(MD)No.9322 of 2024

and

W.M.P.(MD)No.8502 of 2024

M.Indira

... Petitioner

-Vs-

1.The District Registrar,
Registration Department,
Dindigul District, Dindigul.

2.The Sub Registrar,
Sanarpatti Sub Registration Office,
Sanarpatti, Dindigul District.

3.P.Umarani

4.P.Kumar

5.Venkidusamy

6.Pappi @ P.Nagarajan

7.P.Balaji

8.Pappa @ M.Latha

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent in O.Mu.No.1072/A3/2022, dated 15.02.2023 and quash the same as illegal and consequently, to direct the 1st respondent to cancel the power of attorney deed vide Document No.2753 of 2014 executed by the respondents 4 to 8 in favour of the 3rd respondent insofar



W.P.(MD)No.9322 of 2024

as the petitioner's properties in Survey Nos.181/1, 182/2, 260/6C and 260/7A situated at Vembarpatti Village, Dindigul East Taluk, Dindigul District alone are concerned from the file of the 2nd respondent and for other reliefs.

For Petitioner : Mr.J.Lawrance

For R1 & R2 : Mr.D.Sadiq Raja,
Additional Government Pleader

For R3 to R8 : Mr.N.Madhava Govindan

ORDER

This Writ Petition is filed, challenging the order dated 15.02.2023 passed by the 1st respondent, wherein, the request made by the petitioner, seeking cancellation of the power of attorney deed executed by the respondents 4 to 8 in favour of the 3rd respondent vide Document No.2753 of 2014, dated 24.09.2014 in respect of the properties of the petitioner comprised in Survey Nos.181/1, 182/2, 260/6C and 260/7A situated at Vembarpatti Village, Dindigul East Taluk, Dindigul District, has been rejected.

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

3.The properties in question originally belonged to the petitioner's father, namely, Ramasamy Naidu and his brother, namely, Perumal @



W.P.(MD)No.9322 of 2024

Perumalsamy. They jointly derived title over the subject property by way of registered family partition deed dated 20.12.1961. Thereafter, they partitioned their respective shares by the deed of family arrangement dated 07.01.1996. The respondents 3 to 8 are the legal heirs of the said Perumal. The petitioner derived title from his father and he is in possession and enjoyment of the respective share of his father. While being so, the respondents 3 to 8 have filed a suit for partition in O.S.No.91 of 2004 on the file of the Fast Track Court, Dindigul and the same was dismissed and thereafter, they filed another suit for partition for the very same properties in O.S.No.59 of 2011 on the file of the District Court, Dindigul and the same was also dismissed. Aggrieved over the same, they preferred an appeal in A.S.(MD)No.127 of 2018 before this Court, which was also dismissed by this Court. Subsequently, it was restored and the same is pending before this Court.

4.Having been lost in the civil suit, the respondents 4 to 8 have executed a power of attorney in favour of the 3rd respondent on 24.09.2014, as if they are having 50% share in the subject property. When the petitioner came to know about the said execution of the power of attorney, she sent a representation to the 2nd respondent, seeking cancellation of the said power of attorney. However, the 2nd respondent has rejected the request of the petitioner



W.P.(MD)No.9322 of 2024

on the ground that the principal and agent have to present the deed of cancellation of power of attorney. Admittedly, nowhere the title over the subject property was declared in favour of the respondents 3 to 8, whereas, after the execution of the family arrangement between the father of the petitioner and the father of the respondents 3 to 8, the petitioner claimed title over the subject property. Therefore, when this dispute is pending between the petitioner and the respondents 3 to 8, through the power agent the property cannot be dealt with by the respondents 3 to 8, though cancellation deed of power of attorney could not be registered by the 2nd respondent.

5. With the above observation, this Writ Petition is disposed of. It is made clear that the power of attorney executed in favour of the 3rd respondent by the respondents 4 to 8 cannot be operated in any manner in respect of the subject property. No costs. Consequently, connected miscellaneous petition is closed.

28.11.2024

Index : Yes / No
NCC : Yes / No

Yuva



W.P.(MD)No.9322 of 2024

TO:-
WEB COPY

- 1.The District Registrar,
Registration Department,
Dindigul District, Dindigul.

- 2.The Sub Registrar,
Sanarpatti Sub Registration Office,
Sanarpatti, Dindigul District.



WEB COPY



W.P.(MD)No.9322 of 2024

G.K.ILANTHIRAIYAN, J.

Yuva

W.P.(MD)No.9322 of 2024

28.11.2024