



W.P(MD)No.17666 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2024

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CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.17666 of 2023

and

W.M.P.(MD)Nos.14762 and 14763 of 2023

1.L.Suresh
2.G.Menaka

... Petitioners

Vs.

1.The District Registrar,
Periyakulam.

2.The Sub Reigstrar,
Theni.

3.V.Paramasivan
4.T.Rajeswara Pandian
5.A.Murugan
6.J.M.Asan Moulana

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records from the office of the 1st respondent with respect to the impugned order vide Na.Ka. No.95/E2/2022 dated 23.02.2023 and quash the same with respect to the finding that the Doc. Nos.2683 of 2020 dated 24.03.2020 and 9218 of 2020 dated 19.11.2020 cannot be declared as fraudulent document and consequently declare the Doc. Nos.2683 of 2020 dated 24.03.2020 and 9218 of 2020 dated 19.11.2020 registered on the file of the 2nd respondent as fraudulent document.



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For Petitioner : Mr.K.K.Udayakumar
For R1 & R2 : Mr.P.Subbaraj
Special Government Pleader

ORDER

The petitioner has filed this writ petition challenging the order of the first respondent in Na.Ka. No.95/E2/2022 dated 23.02.2023 and to declare the document in Doc. Nos.2683 of 2020 dated 24.03.2020 and 9218 of 2020 dated 19.11.2020 registered on the file of the 2nd respondent as fraudulent document.

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

3.The contention of the petitioners is that they are the owners of the subject property by way of a registered settlement deed dated 16.09.2018 executed in favour their favour by their father. The petitioners had executed a power deed in favour of the third and fourth respondents and retained the original deed with them. However, the third and fourth respondents by obtaining a life certificate and without the original power deed, had sold the properties to some other person without the consent of the petitioners. Therefore, the petitioners had submitted a representation before the first respondent and the same has been rejected. Hence, this writ petition.



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4.The learned counsel for the petitioner submitted that the life certificate obtained by the third and fourth respondents is not valid and hence, the sale made by the respondents three and four is also not valid. However, the District Registrar without conducting any enquiry, had simply rejected the application of the petitioner.

5.It is to be noted that the execution of the power of attorney deed by the petitioners in favour of the third and fourth respondents, is not disputed. As long as the execution of the power of attorney is not disputed, this court is of the view that cancelling the subsequent document executed by the petitioners on the basis of the said power of attorney cannot be maintained.

6.In such view of the matter, this Court does not find any merits in this writ petition. In the result, this writ petition is dismissed. The petitioners shall establish their right before the appropriate civil Court. No costs. Consequently, connected miscellaneous petitions are closed.

02.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The District Registrar,
Periyakulam.
- 2.The Sub Reigstrar,
Theni.



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N.SATHISH KUMAR, J

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