



W.P.(MD) No.18843 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.18843 of 2024

1.Syed Ameer Ali

2.Fahima Hussaina

...

Petitioners

-VS-

1.The Inspector General of Registration,
Door No.100,
Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai – 600 028.

2.The Sub-Registrar,
Keelakkarai,
Ramanathapuram District.

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus to call for the records relating to the impugned refusal check slip in RFL/Keelakkarai/74/2024, dated 23.07.2024, passed by the second respondent and quash the same and



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consequently direct him to register the cancellation deed, dated 01.07.2024, executed by the petitioners.

For Petitioners : Mr.J.Barathan

For Respondents : Mr.M.Siddarthan,
Addl. Govt. Pleader.

ORDER

With consent of the parties, the Writ Petition is taken up for final disposal at the admission stage itself. Therefore, no counter is required.

2. This Writ Petition has been filed for issuance of a writ of certiorarified mandamus to call for the records relating to the impugned refusal check slip in RFL/Keelakkarai/74/2024, dated 23.07.2024, passed by the second respondent and quash the same and consequently direct him to register the cancellation deed, dated 01.07.2024, executed by the petitioners.

3. Challenging the refusal check slip issued by the second respondent, the present writ petition has been filed by the petitioners.



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4. The case of the petitioners is that the paternal grandmother of the second petitioner, namely, Mohamed Mohaideen Fathima @ M.M.Fathima has executed a settlement deed in respect of 58 cents in favour of the the second petitioner on 01.07.2013 and she also executed a Power of Attorney, dated 28.05.2013, in favour of the first petitioner and the first petitioner, as Power of Attorney, executed a sale deed, dated 25.02.2014, in favour of the second petitioner in respect of 10 cents on the file of the second respondent. The said M.M.Fathima died on 05.09.2015. However, the first petitioner has presented a sale deed in respect of 10 cents on 07.09.2015 and the said document was also registered. Now, realising the mistake that the petitioner presented a document for cancellation of the sale deed registered on 07.09.2015, the refusal slip came to be issued by the second respondent on the ground that various transactions have already taken place between 2017 and 2023 and further, the principal also died.

5. Learned counsel for the petitioners submitted that the transaction referred to in the impugned order is only in relation to 58 cents originally settled by M.M.Fathima and not in respect of 10 cents covered by Power of Attorney. Hence, according to him, they wanted to cancel the sale



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deed in respect of 10 cents, executed on the basis of Power of Attorney and, therefore, the impugned order is liable to be set aside.

6. At the outset, as rightly pointed out by the learned counsel for the petitioners, the sale deed, executed in respect of 10 cents after the death of the principal, namely M.M.Fathima, it is not valid since the Power of Attorney has come to an end with the death of the principal.

7. Therefore, this Court is of the view that when the sale deed itself is not valid in the eye of law, registering other document for cancellation will not arise at all particularly with regard to 10 cents. If the petitioners are otherwise entitled for that 10 cents, as per law, they can very well deal with the property.

8. With the above observation, this Writ Petition is disposed of.

No costs.

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

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