



WEB COPY

W.P.(MD)No.22600 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2024

CORAM

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.P.(MD)No.22600 of 2024

Sankaran Kumar

... Petitioner

Vs.

1.The Inspector General of Registration,  
Chennai.

2.The District Registrar (Admin)  
Cheranmahadevi District Registrar Office,  
Tirunelveli District.

3.The Sub Registrar,  
Kallidaikurchi Sub Registrar Office,  
Tirunelveli District.

4.Panjavarnam

5.Paramasivam

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No.1 to 3 to cancel the General Power of Attorney deed vide Document No.1813/2021 dated 21.10.2021 executed in favour of the 4th respondent herein and also the subsequent sale deed vide Document No.1874/2021 dated 29.10.2021 executed by the 4th respondent in favour of the 5th respondent and consequently direct to the respondent No.1 to 3 herein to delete the entries pertaining to the Document No.1813/2021 dated 21.10.2021 and Document No.1874/2021, dated 29.10.2021 from their encumbrance certificate records within a time frame that may be stipulated by this Court.



W.P.(MD)No.22600 of 2021

For Petitioner : Mr.S.Vadivelan  
For R1 to R3 : Mr.M.Siddharthan  
Additional Government Pleader

### **ORDER**

This writ petition has been filed to direct the official respondent to exclude the power of attorney deed executed in favour of the 4th respondent herein and also the subsequent sale deed dated 29.10.2021 executed by the 4th respondent from their encumbrance certificate records within a time frame that may be stipulated by this Court.

2.Mr.M.Siddharthan, learned Additional Government Pleader takes notice for the respondents 1 to 3. Considering the nature of order proposed to be passed in this writ petition, notice to the fourth and fifth respondents is dispensed with.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.It is the case of the petitioner that subject properties originally belonged to his father. After his demise, the petitioner and his siblings inherited the subject property. The revenue records are also in the name of the petitioner and



his siblings. While so, the fourth and fifth respondents with an intention to grab the subject property have created forged documents, as if the owners of the property have executed a power of attorney in favour of the fourth respondent. Hence, the petitioner had submitted a petition before the second respondent to cancel the fraudulent transactions made by the fourth and fifth respondents. The second respondent after conducting enquiry had passed an order on 11.05.2022 declaring the documents executed by the fourth and fifth respondents fraudulent documents. Based on the same, the petitioner approached the third respondent to cancel the said transactions and to delete the entries made in the encumbrance certificate. Since the same was not considered, the petitioner has filed this writ petition.

5.The contention of the petitioner is that the power of attorney executed in favour of the fourth respondent is a forged one by committing impersonation. Thereafter, on the basis of the complaint given by the petitioner, a detailed enquiry has been conducted and it is found that the power of attorney has been created by impersonation and the subsequent document, registered in the year 2021 based on the power of attorney, was also found to be invalid.

6.It is to be noted that in the order, passed by the second respondent, dated 11.05.2022, there is a direction to the third respondent to make an entry in



W.P.(MD)No.22600 of 2024

the encumbrance certificate, as if the transactions done by the fourth and fifth respondents with regard to the subject property, are not valid and the said documents are fraudulent. Hence, if such entry is made clearly mentioning about the validity of the earlier document, the subsequent entry will take care of the grievance of the petitioner. Once the documents are held to be invalid and necessary entry is reflected in the encumbrance certificate, there is no specific order required to be passed cancelling the power of attorney executed in favour of the fourth respondent. The petitioner, being the owner of the property, is entitled to execute any number of documents in respect of his property. He can deal with the property in accordance with law and such documents cannot be refused to be registered, merely citing the earlier encumbrance, namely the power of attorney.

7. With the above observations, this writ petition is disposed of. No costs.

**24.09.2024**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
ta



W.P.(MD)No.22600 of 2021

To

- 1.The Inspector General of Registration,  
Chennai.
- 2.The District Registrar (Admin)  
Cheranmahadevi District Registrar Office,  
Tirunelveli District.
- 3.The Sub Registrar,  
Kallidaikurchi Sub Registrar Office,  
Tirunelveli District.



WEB COPY



*W.P.(MD)No.22600 of 2024*

**N.SATHISH KUMAR, J.**

ta

W.P.(MD)No.22600 of 2024

24.09.2024