



W.P.(MD)No.24717 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24717 of 2018
and W.M.P.(MD)Nos.22407 & 22409 of 2018

P.Velumani

... Petitioner

Vs.

1.The District Registrar (Administration),
Virudhunagar District,
Virudhunagar.

2.The Sub-Registrar,
Srivilliputtur,
Virudhunagar District.

3.The Tahsildar,
Srivilliputtur – 626 125,
Virudhunagar District.

4.P.S.Rajaguru

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 1st respondent in Na.Ka.No.2616/3/2012 dated 10.10.2012 quash the same consequently, direct the 3rd respondent to enter the petitioner's name relating to the Plot No.1086 at Sri Andal Nagar in



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Survey No.1378/3 at Villuppanoor Village, Srivilliputtur Taluk within a time stipulated by this Court.

For Petitioner : Mr.S.Venkatesh
For Respondents : Mr.M.Siddarthan,
Addl. Govt Pleader for R1 to R3
No Appearance for R4

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 1st respondent in Na.Ka.No.2616/ 3/2012 dated 10.10.2012, quash the same and for a consequential direction to the 3rd respondent to enter the petitioner's name relating to the Plot No.1086 at Sri Andal Nagar in Survey No.1378/3 at Villuppanoor Village, Srivilliputtur Taluk, within a time stipulated by this Court.

2. The case of the Writ Petitioners is that an extent of 4.43 acres in S.No. 1378/3 in Vilupanoor Village, Srivilliputtur Taluk, Virudhunagar District has been formed as lay out in the name of Sri Andal Nagar. In the said lay out, the petitioner has purchased an extent of 1200 sq. ft., on 07.06.1999, vide document No.2133 of 1999, registered before the 2nd respondent for valid consideration. During the year 2018, the petitioner came to know that the sale deeds have been



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cancelled and based on the same, patta has been changed. Thereafter, the impugned order came to be passed on 10.10.2012 without notice to any of the purchasers, merely on the basis of the false claim made by the 4th respondent that he is the power agent of Gomathiammal. Challenging the said impugned order, the present Writ Petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3. Though notice has been served on the 4th respondent and the name has also been printed in the cause list, there is no representation for the 4th respondent.

4. Merely on the basis of the false claim made by the 4th respondent, who stated to be a power agent of one Gomathiammal, the impugned order has been passed. The details of the power deed has not been referred anywhere. Be that as it may. The first respondent, through the impugned order, at one stroke, has cancelled the sale deeds executed in favour of various purchasers, as if the power of attorney has sold the property and registered the document, after cancellation of the power deed in the year 1996. It is relevant to note that whether the power of attorney is coupled with an interest or not has to be tested only before the civil



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Court. Absolutely, without going to that, on the basis of the entry of the cancellation of power deed, all the documents have been annulled without any notice to any of the purchasers. Such an act is nothing, but clear non application of mind. Whether proper notice has been issued with regard to the cancellation of the power of attorney or the power of attorney is coupled with an interest has to be proved in the manner known to law. Without any evidence in this regard, cancelling the sale deeds is nothing but clear abuse of process of law. Hence, the impugned order has to be set aside.

5. Accordingly, this Writ Petition is allowed and the impugned order passed by the first respondent dated 10.10.2012 is quashed. Consequently, the 3rd respondent is directed to enter the petitioner's name relating to the Plot No.1086 at Sri Andal Nagar in Survey No.1378/3 at Villuppanoor Village, Srivilliputtur Taluk, within a period of fifteen days from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

08.08.2024

NCC : Yes/No
Index : Yes/No
vsm



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N.SATHISH KUMAR, J.

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