



W.P (MD).No.25827 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2024

CORAM

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

W.P (MD).No.25827 of 2024

and

W.M.P(MD)Nos.21916, 21917 & 21918 of 2024

V.Mahalakshmi

...Petitioner

Vs.

1.District Registrar,
District Registrar Office,
Trchy-621 306.

2.The Sub-Registrar,
SRO, Woraiyur,
Trichy.

3.Marslin Anto
4.P.Renganathan

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records comprised in order dated 27.07.2021 bearing No.Moo Mu 13664/Aa4/2020 issued by the first respondent and quash the same as arbitrary, illegal and ultra vires and consequently direct the first and second respondents to remove the remarks with respect to the sale deed in Doc.No.2831/2005 dated 28.06.2005 made in the encumbrance certificate on the file of the second respondent.



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For Petitioner : Mr.K.Prabhakar
For R1 & R2 : Mr.M.Sarangan
Additional Government Pleader
For R3 & R4 : No appearance

ORDER

This writ petition has been filed challenging the order passed by the first respondent thereby, directed the second respondent to make entry in respect of the property comprised in S.F.No.23/2, New S.F.No.23/2C situated at Somarasanpettai Village, Srirangam Taluk, Tiruchirapalli District purchased through the Power of Attorney by the petitioner's vendor, on that basis no further document registered and as per the settlement deed registered vide document No.819/1996 further alienation can be done.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. Originally, the subject property comprised in S.F.No.23/2, New S.F.No.23/2C situated at Somarasanpettai Village, Srirangam Taluk, Tiruchirapalli District belonged to Mariammal Vagaiyara. Later, it was purchased by one Kamala vide sale deed, dated 22.10.1983. Subsequently, it was purchased by one Paul Anandhakumar by the registered sale deed dated 22.08.1984. In turn, he executed the settlement deed in favour of his father one



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Edwin by the settlement deed, dated 18.03.1996 vide document No.819/1996.

He had executed the Power of Attorney dated 17.05.2004 in favour of Satheeshbabu and Natarajan as his power agent. The power agent had sold the subject property in favour of one Rani vide registered document No.2831/2005. In turn, the fourth respondent herein purchased the subject property vide registered Document No.4303/2019. In the meanwhile, the settlee namely D.Edwin filed a suit in O.S.No.350 of 2006, on the file of the Principal District Munsif, Tiruchirapalli for declaration that the power deed executed in favour of Satheeshbabu and Natarajan and the subsequent sale deed as null and void. Subsequently, the said suit was transferred to Principal Sub Court, Trichy and renumbered as O.S.No.158 of 2013. However, pending suit, the said Edwin died and the suit was dismissed as abated. Thereafter, the legal heirs of the Edwin filed a complaint before the Anti Land Grabbing Special Cell as if the subject property was grabbed by the petitioner and his vendor. That apart, another complaint was lodged before the first respondent for cancellation of the sale deed executed by his power agent in favour of the petitioner's vendor. The first respondent conducted an enquiry and found that the power agent had no power to execute any sale deed in favour the petitioner's vendor since the power was already cancelled by the Edwin on 25.02.2005. Therefore, the first respondent directed the second respondent to make entry not to alienate the



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property on the strength of the sale deed, which was executed in favour of the petitioner's vendor as well as in the name of the petitioner. Further, permitted the legal heirs of the settlee to deal with the subject property as per the settlement deed dated 18.03.1996 registered vide document No.819/1996. In the meanwhile, the petitioner along with fourth respondent filed a suit in O.S.No.2 of 2021 on the file of the District Munsif, Srirangam, for declaration in his favour as per the sale deed by adding all the legal heirs of the settlee including the third respondent and it is pending for adjudication. Though, the power agent had no power to execute any sale deed in favour of the petitioner's vendor, the petitioner is a bonafide purchaser and subsequently, the petitioner also purchased the subject property as a bonafide purchaser.

4. That apart, now the petitioner also filed a suit for declaration in respect of the subject property and it is pending. When the first respondent restricted from alienation of the subject property on the strength of the sale deed of the petitioner's vendor as well as the petitioner's sale deed, the first respondent ought to have restrict any alienation in respect of the subject property by way of settlement deed.



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5. In view of the above, the order passed by the first respondent dated 27.07.2021 is quashed insofar as permitting the legal heirs of the settlor to alienate the subject property on the strength of the settlement deed dated 18.03.1996 registered vide document No.819/1996. The petitioner and the legal heirs of the settlor Edwin can deal with the subject property subject to the result of the suit filed by the petitioner in O.S.No.2 of 2021 on the file of the District Munsif, Srirangam, Trichy District.

6. Accordingly, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

27.11.2024

To

1.District Registrar,
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Trchy-621 306.

2.The Sub-Registrar,
SRO, Woraiyur,
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G.K.ILANTHIRAIYAN, J.

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