



W.P.No.2279 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.2279 of 2025

C.Murugesan

...Petitioner

Vs

1. Inspector General of Registration,
Santhome, Mylapore,
Chennai – 28.
2. Deputy Inspector General of Registration,
Combined Buildings,
Kamarajar Colony,
Ammapettai, Salem – 636 014.
3. The District Registrar,
District Registrar Office,
Krishnagiri – 635 001.
4. The Sub-Registrar,
Office of the Sub Registrar,
Kelamangalam – 635 113.
5. Ananda

...Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, calling for



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the records relating to the impugned proceedings dated 27.02.2023 having reference No. Na.Ka.No.7731 / U/ 2022 passed by the 3rd Respondent, quash the same and consequently direct the 4th respondent to restore the Sale Deed dated 05.10.2007 registered as Doc.No.5920 / 2007 General Power of Attorney dated 28.12.2021 registered as Doc. No 12629 / 2021 and sale Agreement dated 08.09.2022 bearing Doc. No 10187 of 2022 and remove the entiries made in the schedule II.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.M.Shahjahan (For R1 to R4)
Special Government Pleader

ORDER

The Writ Petition has been filed for the following relief:-

To call for the records relating to the impugned proceedings dated 27.02.2023 having reference No. Na.Ka.No.7731 / U/ 2022 passed by the 3rd Respondent, quash the same and consequently direct the 4th respondent to restore the Sale Deed dated 05.10.2007 registered as Doc.No.5920 / 2007 General Power of Attorney dated 28.12.2021 registered as Doc. No 12629 / 2021 and sale Agreement dated 08.09.2022 bearing Doc. No 10187 of 2022 and remove the entiries made in the schedule II.

2.The contention of the petitioner is that an extent of 1.90 acres in



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S.No.290/2B, Kalukondapalli Village, Denkanikottai Taluk, Krishnagiri

District, originally belong one Mariyappa @ Chinna Mariyappa under registered sale deed dated 02.11.1957. From the date of his purchase he has been in peaceful possession and enjoyment of the property. The said Mariyappa @ Chinna Mariyappa died intestate leaving behind him the following persons as his legalheirs:-

i.Ellappa (son), ii.Muniappa (son), iii.Pillisappa (son),
iv.Kaveriappa (son), v.Ammayamma (daughter), vi.Puttamma (daughter),
vii.Kaveriappa (Daughter), viii.Muthappa (Son)

3.Muniappa one of the sons of aforesaid Mariappa along with his family members had sold an extent of 1.20 acres out of the total extent of 1.90 acres in S.No.290/2B1 in favour of one Pullappa under a registered sale deed dated 05.10.2007. Thereafter, Pullapa along with Anandakumar had appointed the petitioner as a power agent for dealing with the subject property. The petitioner had entered into a registered sale agreement on 08.09.2022 with one Venkatasami.

4.While so, the fifth respondent who had no semblance of title or right over over the said land made an application to third respondent to



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cancel the documents registered in the name of the petitioner and his principals by invoking the provisions of Section 77A of the Registration Act. Without even giving an opportunity to hearing, the third residential had straight away passed impugned order dated 27.02.2023 cancelling the documents. The petitioner had filed an appeal dated 31.03.2023 before the first respondent to set aside the above proceedings. However, the appeal was not taken up for hearing and the fifth respondent along with some strangers had registered a power of attorney dated 16.03.2023 on the very next day. The power agent is entered into two sale agreements dated 17.03.2023. The petitioner has also intimated the first respondent about these actions. The petitioner is therefore before this Court for the relief claimed above.

5.Heard the learned counsels on either sides and perused the records. The learned Special Government Pleader takes notice on behalf of the respondents.

6.Though the petitioner has filed an appeal challenging the very same impugned order, however taking into account the fact that the judgment in *M.Kathirvel Vs. Inspector General of Registration*,



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Department of Registration and Others [reported in 2024 (4) CTC

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769], has been passed Division Bench of this Court, wherein the provisions of Section 77 (A) has been held to be unconstitutional.

Therefore, the action of the third respondent in cancelling the documents as to necessarily be set aside and set aside. With this direction, the Writ Petition is disposed of. Appropriate entries will be made in the encumbrance certificate stating that the sale deeds have been restored.

No costs.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order
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To

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