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Writ Petition No.3676 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.3676 of 2025

S.Ramakrishnan
S/o.C.Srinivasan

... Petitioner

Vs.

1. The Sub-Registrar,
Office of the Sub-Registrar,
Kinathukadavu, Coimbatore District.

2. The Royal Land and Nest,
Cooperative Housing Society,
AP 8073, D.No.11, 2nd Street,
H-Block, 12th Main Road,
West Anna Nagar, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent herein pertaining to his proceeding in RFL/Kinathukadavu/116/2024 dated 11.12.2024 and quash the same and further direct the first respondent herein to register the power of attorney deed and return the same to the petitioner.

For Petitioner : Mr.M.G.Balamurugan

For Respondents : Mr.P.Harish
Government Advocate [R1]

ORDER



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This writ petition has been filed challenging the impugned check slip issued by the first respondent dated 11.12.2024 and consequently, seeking a direction to the first respondent to register the Power of Attorney deed that was presented for registration.

2. Heard Mr.M.G.Balamurugan, learned counsel for petitioner and Mr.P.Harish, learned Government Advocate appearing for first respondent.

3. The case of the petitioner is that the property in Survey No.318/1, measuring an extent of 69 cents was purchased from one Thangaraj through a registered sale deed dated 04.04.2012. In the year 2013, the petitioner and some of the neighbouring land owners executed a Power of Attorney in favour one Srinivasan. This Power of Attorney was registered as document No.3798 of 2013. Based on the same, the said Srinivasan executed a sale deed in favour of the second respondent and this sale deed was not registered and this was kept as pending document in view of the fact that the sale consideration was not paid by the second respondent.

4. The second respondent filed W.P.No.13195 of 2018 before



this Court seeking a direction to the Sub-Registrar to register and return the document, which is kept as a pending document. During the pendency of the registration, there was a compromise between the parties and considering the same, this Court passed a final order on 20.07.2020 and the relevant portion is extracted hereunder:

"The learned counsel for the petitioner and the learned counsel appearing on behalf of respondents 4 to 11 brought to the notice of this court paragraph 8 of the counter affidavit filed by the respondents and the same is extracted hereunder:

"8. The respondents further submit that there was an amicable settlement arrived between the respondents 4 to 10 and the writ petitioner. Accordingly, the writ petitioner and the respondents have come to the amicable solution as such instead of realising the cheque for Rs.3,27,57,000/- now they have decided to share the lands or its sale proceeds in the ratio 70:30 i.e. 70% for the respondents and 30% for the writ petitioner. Thus the dispute between the writ petitioner and the respondents 4 to 10 came to an end.

The respondents further submit that they have no objection to grant relief as prayed by the writ petitioner, therefore, the respondents pray that this Hon'ble Court may be pleased to record the affidavit of the respondents and pass necessary orders."

2. In view of the above development and in view of the fact that the matter has been amicably resolved among the parties, paragraph 8 of the counter affidavit is recorded and the third respondent is directed to register and release the document.

3. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed."

5. In view of the above settlement between the parties, it was



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decided that the petitioner will retain 70% and only 30% was conveyed in favour of the second respondent. However, subsequently, the second respondent got consent from the neighbouring land owners and without getting the consent of the petitioner, the second respondent managed to get the sale deed executed.

6. The petitioner wanted to give Power of Attorney in favour of one Arunkumar with respect to the property that was retained pursuant to the settlement. When this document was presented for registration, the first respondent issued the impugned refusal check slip dated 11.12.2024 by stating that already a sale deed has been executed in favour of the second respondent for the entire 69 cents and therefore, the petitioner cannot give a Power of Attorney touching upon the very same property. Aggrieved by the same, the present writ petition has been filed before this Court.

7. In the considered view of this Court, there was a settlement between the parties during the previous proceedings and as per the settlement, the parties decided to share the property in the ratio 70:30. However, on carefully going through the document that was registered



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before the Sub-Registrar, it is seen that the entire extent of 69 cents has been dealt with. The document has also been registered in Document No.4211 of 2020. Therefore, unless and otherwise the said document is rectified or cancelled in the manner known to law, there is no question of once again registering a Power of Attorney document covering the very same property. The first respondent is not concerned about the dispute between the petitioner and the second respondent. The first respondent is only concerned about the entry that is found while registering the sale deed to the effect that the entire 69 cents has been dealt with and the same is shown as a scheduled property in the registered sale deed. In such circumstances, there is no illegality in the refusal check slip issued by the first respondent and it does not warrant the interference of this Court. It is left open to the petitioner to work out his remedy in the manner known to law either by getting the earlier sale deed rectified or cancelled and thereafter, approach the first respondent seeking for the registration of the document.

N.ANAND VENKATESH, J



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In the result, this writ petition is dismissed. No costs.

07.02.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

gm

To

The Sub-Registrar

Office of the Sub-Registrar

Kinathukadavu, Coimbatore District.

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