



Writ Petition No.5892 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.5892 of 2025

1.A.K.Ramkumar

S/o.A.R.Krishnamoorthy

2.Radhika Ramkumar

W/o.A.K.Ramkumar

... Petitioners

Vs.

1.The District Registrar,
Chengalpattu Registration District,
Chengalpattu.

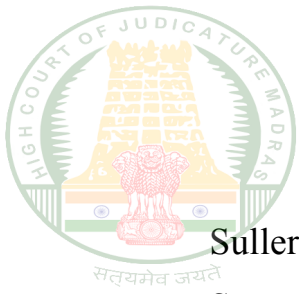
2.The Sub-Registrar,
Thiruporur,
Chengalpattu District.

3.Ashwin
S/o.P.N.S.Iyyar

4.Udayakumar
S/o.Chokkalingam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 and 2 to delete the entry relating to the General Power of Attorney vide Doc.No.18345 of 2013 on the file of the second respondent executed by the third respondent in favour of the fourth respondent with reference to the petitioners' property situated in Sand Beach, Village No.113,



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Sullerikadu Village, Nemmeli Taluk, Chengalpattu, comprised in Old Survey No.208/2A, 208/2B, New Survey No.268/1, No.269/1, altogether measuring 6 grounds or 14,400 sq.ft. as per Patta No.2112, New Survey Nos.268/16 and 269/13, measuring 0.13 Acre or 14,400 sq.ft. in the encumbrance register maintained by the second respondent.

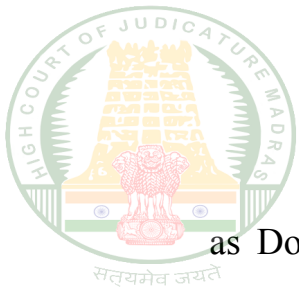
For Petitioner : Mr.D.Murugan
For Respondents : Mr.K.Karthick Jagannath
Government Advocate [R1 & R2]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents 1 and 2 to delete the entry made while registering the Document .No.18345 of 2013 on the file of second respondent, which is a Power of Attorney document executed by the third respondent in favour of the fourth respondent with respect to the subject property, which absolutely belongs to the petitioner.

2. Heard Mr.D.Murugan, learned counsel for petitioner and Mr.K.Karthick Jagannath, learned Government Advocate appearing for respondents 1 and 2.

3. The grievance of the petitioner is that the respondents 3 and 4 had fabricated a Power of Attorney document and which was registered



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as Document No.18345 of 2013 on the file of the second respondent.

They did not have any right or title over the property and in spite of the same, such a Power of Attorney document was executed. Ultimately, it was found to be a fraudulent document and a criminal case also came to be registered in Crime No.411 of 2014, which culminated in a police report, which was taken on file in C.C.No.125 of 2015 on the file of the District Munsif cum Judicial Magistrate, Thirukazhukundram. That apart, the patta that was granted in favour of the third respondent was also cancelled by the proceedings of the Revenue Divisional Officer dated 19.07.2024. It is under these circumstances, the petitioner gave a representation to the respondents 1 and 2 to cancel the entry that was made while registering the Power of Attorney document executed by the third respondent in favour of the fourth respondent. Since the same was not considered, the present writ petition has been filed.

4. Learned counsel for the petitioner relied upon the earlier order passed by this Court in W.P.(MD) No.10177 of 2021 dated 17.06.2021 in order to substantiate the relief that has been sought for in this writ petition.



5. In the considered view of this Court, the Power of Attorney

that was executed by the third respondent in favour of the fourth respondent may be a fraudulent document and the same had ended in a criminal case and that apart, the patta that stood in the name of the third respondent was also cancelled by the Revenue Divisional Officer through proceedings dated 19.07.2024. These developments by itself does not confer any power on the respondents 1 and 2 to cancel the entry that has been made in the encumbrance certificate. Such cancellation of entry made in the encumbrance certificate will tantamount to cancellation of document itself and such power is not available to the respondents 1 and 2. Therefore, some Court or authority must hold that the Power of Attorney executed by the third respondent in favour of the fourth respondent dated 27.12.2013 is non-est and bad. If that is done, such order can be produced before the second respondent and that will automatically reverse the earlier entry made. This is the only procedure through which the entry made while registering the document No.18345 of 2013 can be cancelled/reversed. In the absence of the same, the respondents 1 and 2 are not conferred with any inherent power to make such cancellation.



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6. In the light of the above discussion, liberty is granted to the petitioners to work out the remedy as observed by this Court and thereafter, approach the respondents 1 and 2 seeking for cancellation/reversing the entry made.

This writ petition is disposed of in the above terms. No costs.

25.02.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order
gm

To

1.The District Registrar,
Chengalpattu Registration District,
Chengalpattu.

2.The Sub-Registrar,
Thiruporur,
Chengalpattu District.



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N.ANAND VENKATESH, J

gm

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(2/2)