



WP.No.25290 of 2024

In the High Court of Judicature at Madras

Dated : 20.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.25290 of 2024

P.Vasanthi

Vs

...Petitioner

- 1.The Inspector General of
Registration-cum-Secretary
to Government (Revenue),
Chief Secretariat, Goubert
Avenue, Puducherry.
- 2.The Senior Superintendent of
Police (Law & Order), Orleanpet
Police Station Campus,
Puducherry.
- 3.The District Registrar, Office
of the District Registrar,
Kamaraj Salai, Sakthi Nagar,
Saram, Purucherry-605103.
- 4.The Superintendent of Police,
Vigilance & Anti Corruption
Unit, Muthialpet, Puducherry.
605003.
- 5.The Superintendent of Police,
CBCI, Nellithoppe SO,
Puducherry.
- 6.M.Srinivasan (a) Natarajan
(died)
- 7.Tmt.Parvathy
- 8.N.Durga Preethi



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9.N.Grishmitasri
10.N.Sivashree
11.G.Prabhavathy
12.G.Ragavendar
13.J.Priya
14.C.Siva (a) Sivasankaran

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1 to 5 respondents to take befitting action in terms of the Registration Act and the Transfer of property Act against (1) the power agent by name M.Seenu @ Natarajan and his legal heirs (2) the document writer by name C.Siva @ Sivasankaran License No.280, No.72, Perumal Koil Street, Puducherry and (3) the Sub-Registrar, Puducherry, who were registered the same and to cancel sale deed No.3837 of 2004 dated 01.9.2004 and the subsequent registered document also.

For Petitioner	:	Mr.P.Suresh
For R1 to R5	:	Mr.Ramasamy Meyappan GP (P)
For R13	:	Mr.Ravi for M/s.Balu Rangasamy
R6	:	Died
For R7 to R12 & R14	:	Not ready in notice

ORDER

This writ petition has been filed for the following relief :

".....Writ of Mandamus directing the 1 to 5



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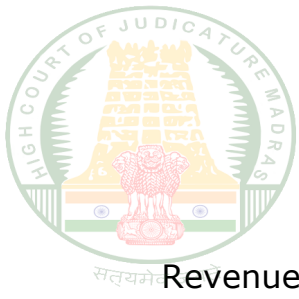
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respondents to take befitting action in terms of the Registration Act and the Transfer of property Act against (1) the power agent by name M.Seenu @ Natarajan and his legal heirs (2) the document writer by name C.Siva @ Sivasankaran License No.280, No.72, Perumal Koil Street, Puducherry and (3) the Sub-Registrar, Puducherry, who were registered the same and to cancel sale deed No.3837 of 2004 dated 01.9.2004 and the subsequent registered document also."

2. Heard the learned counsel for the petitioner, the learned Government Advocate (Puducherry) appearing for respondents 1 to 5 and the learned counsel appearing for the 13th respondent.

3. It is apposite to set out the following facts to carefully appreciate the case on hand :

(i) Under a registered sale deed dated 17.12.1998 registered as doc.No.6262 of 1998 on the file of the Sub-Registrar, Puducherry, the petitioner purchased the properties in T.S.No.91, R.S.No.53/12, Cadastre No.163 1/2, 7/8, 1/2, 163 1/2, 6/8C, 167 part, patta No.1136 measuring east to west 120 feet, north to south lower side 50 feet, upper side 42 feet, totalling to 5,440 sq.ft. (or) 9 Kuzhi 7 Veeram consist of plot Nos.25, 26 and 27, block No.7, ward 'K', Ulandai



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Revenue Village, Mudaliarpet Commune Village No.41, Puducherry Municipality, Puducherry Sub-Registration District, Puducherry Registration District from one Mr.G.Sundaramoorthy, S/O Govindaraj represented by his power of attorney agent - one Mr.S.P.Manickasamy.

(ii) In turn, the petitioner executed a power of attorney deed in favour of the sixth respondent vide power of attorney document dated 08.5.2002 registered as doc.No.481 of 2002 in respect of the subject properties. Thereafter, under a deed of annulment dated 06.11.2002 registered as doc.No.1446 of 2002, the petitioner cancelled the said power of attorney document executed in favour of the sixth respondent. However, the sixth respondent, after the cancellation of the power of attorney document, executed a sale deed dated 01.9.2004 registered as doc.No.3837 of 2004 in favour of the 11th respondent in respect of the subject properties.

(iii) According to the petitioner, after the cancellation of the power of attorney document, the registration of the document by the Sub-Registrar, Puducherry is null and void. Since the very act was fraudulent, the issue of delay would pale into insignificance. The subject properties were attached by the Commercial Taxes Department, Puducherry and were released only recently. The sixth respondent died in 2023 due to illness spending the last three years in



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bed. Therefore, on humanitarian grounds, the petitioner decided not to initiate any legal proceedings. There has been a collusion between the sixth respondent, the document writer and the Sub-Registrar, Puducherry and they are to be investigated. The sale deed executed in favour of the 11th respondent on 01.9.2004 has to be cancelled. Hence the writ petition.

4. The 13th respondent filed a counter inter alia contending that the writ petition is highly belated. According to the 13th respondent, the affidavit clearly reveals that the petitioner had earlier knowledge. On 06.1.2003, after the alleged cancellation of the power of attorney deed, the petitioner herself executed a deed, in and by which, she consented to the rental proceeds being given to the 11th respondent and has also admitted the sale in her favour. This fact has been suppressed by the petitioner, who is guilty of suppression and fraud. The 11th respondent, in turn, executed a settlement deed in favour of her son - the 12th respondent, from whom, the 13th respondent purchased the subject properties. That apart, the cancellation of the power of attorney deed was not known to anyone as the same has not been reflected in the encumbrance certificate in order to convey any transaction to the principal. Ultimately, she sought to dismiss the above writ petition.



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5. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record

6. The petitioner's contention is that the power of attorney deed executed in favour of the sixth respondent was cancelled on 06.11.2002. However, from a perusal of the records submitted by the 13th respondent, it is seen that on 06.1.2003, the petitioner herself and the 11th respondent entered into a consent deed wherein the petitioner had stated that she had executed a lease deed in favour of the Indian Oil Corporation, that since the subject properties were sold to the 11th respondent, she had no objections for the transfer of rental proceeds to the 11th respondent and that she had authorized the 11th respondent to receive the rental proceeds and also the rental arrears. Only thereafter, the sale deed was executed in favour of the 11th respondent.

7. Even after execution of the alleged cancellation of the power of attorney deed, the consent deed had been entered into and there is no reference to the cancellation of the power of attorney deed executed in favour of the sixth respondent. In fact, the consent deed



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had been signed by the petitioner herself and not through her power agent. This fact has been deliberately suppressed by the petitioner. The petitioner, who has agreed to sell the subject properties to the 11th respondent in the year 2003, cannot now turn around and seek a Mandamus to cancel the sale deed executed by her power agent in favour of the 11th respondent. This is also a case where the cancellation of the power of attorney deed had not been intimated to the power agent. Therefore, this Court does not find any reasons to issue a Mandamus and more particularly when the petitioner has come forward with a false case.

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

20.1.2025

To

- 1.The Inspector General of Registration
-cum-Secretary to Government
(Revenue), Chief Secretariat,
Goubert Avenue, Puducherry.
- 2.The Senior Superintendent of
Police (Law & Order), Orleanpet
Police Station Campus, Puducherry.
- 3.The District Registrar, Office
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Unit, Muthialpet, Puducherry.
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RS

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