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WP.No.39344 of 2024

In the High Court of Judicature at Madras

Dated : 02.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.39344 of 2024 &
WMP.No.42615 of 2024

M/s.Brindhavan Builders Pvt.
Ltd., rep.by its Managing
Director PL.Arulraj

...Petitioner

Vs

1.The Inspector General of
Registration, Santhome,
Chennai-28.

2.The Sub-Registrar,
Sunguvarchatram,
Sriperumbudur Taluk,
Kancheepuram District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned check slip dated 16.12.2024 in check slip No.RFL/Sunguvarchatram/17/2024 of the second respondent, quash the same and consequently direct the second respondent herein to forthwith register the sale deed dated 16.12.2024 in respect of the properties of an extent of 0.07 cents in survey No.734/1A1A and 0.37 cents in survey No.734/1B in No.138, Kottaiyur Village and release the same.



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For Petitioner : Mrs.AL.Ganthimathi, SC for
Mr.L.Palani Muthu
For Respondents : Mr.P.Harish, GA

ORDER

Challenging the check slip issued by the second respondent dated 16.12.2024 refusing to register the sale deed presented by the petitioner in respect of the properties (i) measuring 0.07 cents in survey No.734/1A1A and (ii) measuring 0.37 cents in survey No. 734/1B in No.138, Kottaiyur Village, Thiruvallur Taluk and District and to issue a consequential direction to the second respondent to register the same, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for the respondents.

3. The case of the petitioner is as follows :

(i) The petitioner purchased the properties (i) measuring 0.12 cents out of 0.24 cents in S.No.734/1A1 and (ii) measuring 0.37 cents in S.No. 734/1B situated at No.138, Kottaiyur Village, Thiruvallur Taluk and District by way of a sale deed dated 20.7.2020 registered as doc.No.1360 of 2020 on the file of the Sub-Registrar, Sunguvarchatram from one Ms.Gauthami through her power agent -



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one Mr.C.Alagappan for a valid sale consideration. Ever since the date of purchase in the year 2020, the petitioner has been in possession and enjoyment of the said properties.

(ii) Originally, the said Ms.Gauthami acquired the said properties by way of purchase in the year 1990. Prior to the purchase made by the petitioner, the said Ms.Gauthami executed a general power of attorney deed dated 17.6.2020 in favour of the said Mr.C.Alagappan registered as doc.No.1126 of 2020 on the file of the same Sub-Registrar.

(iii) After the purchase, the petitioner entered into an exchange deed dated 13.4.2021 with one Mr.Jamal Mohammed in respect of 5 cents in S.No.734/1A1 and it was registered as doc.No.1750 of 2021 on the file of the same Sub-Registrar.

(iv) At a later point of time, it came to light that the said Ms.Gauthami revoked the said general power of attorney deed dated 17.6.2020, which was executed in favour of the said Mr.C.Alagappan vide revocation of power of attorney deed dated 07.8.2023 and it was registered as doc.No.3988 of 2023 on the file of the same Sub-Registrar.

(v) Subsequently, the petitioner intended to sell the subject properties, executed a sale deed dated 16.12.2024 in favour of one M/s.Rodix Realty Private Limited for a valid sale consideration and



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presented the same before the second respondent for registration.

However, the second respondent issued the impugned check slip refusing to register the sale deed presented by the petitioner. Hence, the petitioner has come forward with this writ petition.

4. The refusal on the part of the second respondent was on the ground that criminal proceedings are pending between the said Ms.Gauthami and the said Mr.C.Alagappan and that a protest petition has been given by the said Ms.Gauthami.

5. On a reading of the averments contained in the affidavit filed in support of the writ petition, it is seen that the said Ms.Gauthami executed the said sale deed dated 20.7.2020 in favour of the petitioner through her power agent - the said Mr.C.Alagappan. The power of attorney deed executed by the said Ms.Gauthami in favour of the said Mr.C.Alagappan has been revoked only on 07.8.2023 i.e. much after the execution of the sale deed in favour of the petitioner. Therefore, the sale deed executed in favour of the petitioner cannot be called into question now.

6. The dispute between the said Ms.Gauthami and the said Mr.C.Alagappan extends to other properties as well. Since the sale



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deed in respect of the subject properties was executed in favour of the petitioner when the power of attorney deed executed in favour of the said Mr.Alagappan was subsisting, the petitioner acquired a valid title to the subject properties. As the owner of the subject properties, it is well within the right of the petitioner to deal with the same. The protest petition given by the said Ms.Gauthami is not supported by any orders of the court. Hence, the refusal made by the second respondent is not valid in the eye of law.

7. Accordingly, the writ petition is allowed, the impugned refusal check slip is set aside and the second respondent is directed to register the sale deed presented by the petitioner within two weeks from the date of its representation. No costs. Consequently, the connected WMP is closed.

02.1.2025

Index : Yes (or) No

Neutral Citation : Yes (or) No

To

1.1.The Inspector General of
Registration, Santhome,
Chennai-28.

2.The Sub-Registrar,
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Sriperumbudur Taluk,
Kancheepuram District.

RS



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