



W.P.(MD)No.4252 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

W.P.(MD)No.4252 of 2025

R.M.Mariappan

... Petitioner

vs.

1.The Deputy Inspector General of Registration,
Ramanathapuram Region,
Vandikkaran Street,
Ramanathapuram, Ramanathapuram District.

2.The District Registrar,
Karaikudi, Sivagangai District.

3.The Sub Registrar,
Devakottai, Sivagangai District.

4.P.Paneer Selvam

5.K.Solaimalai

6.M.Kannan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in Na.Ka.No.4529/A1/2023 dated 29.07.2024 and quash the same and further directing the respondents 1 and 2 to sanction criminal prosecution against the respondents 4 to 6 under Sections 82 and 83 of the Registration Act for making false statement before the



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registering authority while registering the document and further directing the second respondent to delete the entry in the register with regard to the void documents executed by the fourth respondent dated 19.04.2011 and the fifth respondent dated 19.05.2011.

For Petitioner : Mr.R.Balakrishnan
For Respondent : Mr.N.Ramesh Arumugam
Government Advocate (for R1 to R3)
Mr.C.Jeya Prakash
(for R4 to R6)

ORDER

The petitioner seeks for the following relief:-

“ to call for the records pertaining to the impugned order passed by the first respondent in Na.Ka.No.4529/A1/2023, dated 29.07.2024, and quash the same and further directing the respondents 1 and 2 to sanction criminal prosecution against the respondents 4 to 6 under Sections 82 and 83 of the Registration Act for making false statement before the registering authority while registering the document and further directing the second respondent to delete the entry in the register with regard to the void documents executed by the fourth respondent dated 19.04.2011 and the fifth respondent dated 19.05.2011.”



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2. The petitioner states that the property situated in Town S.No. 47 of Devakottai Village and Taluk, Sivagangai District, belonged to one Kuppusamy Mudaliar. The said Kuppusamy Mudaliar had executed a sale deed in favour of petitioner's mother, Sarathambal, in the year 1982. The said Sarathambal, in turn, executed a deed of power of attorney in favour of the fourth respondent on 22.10.1990. The petitioner alleges that Sarathambal passed away on 27.05.1993 in the Government Hospital at Devakottai and that, her death was duly intimated to the appropriate authorities.

3. The petitioner pleads that the fourth respondent had alienated the property on the strength of the deed of power of attorney in favour of the fifth respondent on 19.04.2011. Subsequently, the fifth respondent executed a deed of power of attorney in favour of the sixth respondent on 19.05.2011.

4. Pleading that on the death of Sarathambal, power of attorney dated 27.05.1993 had come to an end, the petitioner gave a representation to the second respondent on 01.07.2022 to cancel the sale deed on 19.04.2011. After enquiry, the second respondent, rejected the petition holding that there was no endorsement in the



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registry that the power of attorney had been cancelled by Sarathambal. Aggrieved by the same, the petitioner preferred an appeal and that too, came to be rejected.

5. Impugning the order of the second respondent, the present writ petition has come up before this Court.

6. I heard Mr.R.Balakrishnan for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate, who accepts notice for the respondents 1 to 3 and Mr.C.Jeyaprakash for the respondents 4 to 6.

7. The narration of the facts shows that the case of the petitioner is that on the death of his mother Sarathambal, power of attorney has come to an end and therefore, the execution of sale deed by the fourth respondent in favour of the fifth respondent and the power of attorney executed by the fifth respondent in favour of the sixth respondent are null and void. The documents are of the year 2011. Though Mr.Jeyaprakash alleges that the power of attorney is one coupled with interest, these are not matters, which falls within the jurisdiction of the respondents 1 to 3 to enquire.



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8. Under Section 68 of the Registration Act, the respondents exercise only supervisory power over their subordinates. Section 68(2) does not empower the first or the second respondents to cancel the document, which has already been registered. Neither they have the power under Section 77A of the Registration Act, because Section 77A was not given retrospective effect and apart from that, Section 77A itself has been struck down as unconstitutional in the case of *M.Kathirvel Vs., The Inspector General of Registration and others, 2024 (4) CTC 769*. If the petitioner have any grievance over the execution of the document by the *inter se* respondents 4 to 6, his remedy is to approach the jurisdictional civil Court and not the Registration Officers under the Registration Act.

9. Leaving it open to the petitioner to file a civil suit, if they are so adviced for any relief, as they so desire, this Writ Petition is **dismissed**. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Rmk

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