



W.P.(MD)No.7657 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.02.2025

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.7657 of 2024

and

W.M.P.(MD)No.7015 of 2014

Indhirani

... Petitioner

vs.

1.The Sub Registrar,
Melapalayam Sub Registrar,
Tirunelveli.

2.Meeran Malik
3.Muruganrajan

... Respondents

(R2 and R3 were impleaded vide order of this Court, dated 01.08.2024 in W.M.P.(MD)Nos.8691 and 9181 of 2024)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings in RFL/Melapalayam/23/2024, dated 19.03.2024 on the file of the respondent and to quash the same and further direct the respondent to register the General Power of Attorney as presented by the petitioner in favour of one Ayappan S/o.Somu Thevar vide Application No.S01LANDVV202403194683107.



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For Petitioner :Mr.K.Jeyamohan
For R1 :Mr.R.Suresh Kumar
Additional Government Pleader
For R3 :Mr.B.Michael Sebastin

ORDER

The Writ Petitioner challenges the refusal check slip issued by the first respondent in his proceedings in RFL/Melapalayam/23/2024, dated 19.03.2024.

2.I heard Mr.K.Jeyamohan for the petitioner, Mr.R.Suresh Kumar, learned Additional Government Pleader for the first respondent and Mr.B.Michael Sebastin, for the third respondent. The second respondent is reported to be dead. As no adverse order has been passed against the second respondent, I am proceeding to enter upon the judgment.

3.The case of the petitioner is rather simple. The property in question was belonged to the Government and it was assigned in favour of one Arumugam. Arumugam entered into a partnership concern with one Vellaipandian. Disputes and differences arose between Arumugam and Vellaipandian, which resulted in filing of a suit in O.S.No.214 of



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2015 on the file of the Additional Subordinate Court, Tiruenlveli.

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4.This said suit was referred to Lok Adalat and a compromise award was passed by the said authority. In terms of the compromise award, Arumugam received a sum of Rs.10,00,000/- and gave up his right to the property in favour of Vellaipandian.

5.Having come across the property, Vellaipandian had executed a settlement deed in favour of his brother, one V.Kannan. The said V.Kannan unfortunately passed away on 10.05.2022 leaving behind the petitioner/wife, as his sole legal heir. In that capacity, the petitioner had presented a deed of power of attorney in favour of one Ayyappan.

6.When the document was presented for registration, the Sub Registrar noted that as early as in 1995, the aforesaid Arumugam had alienated the property in favour of the second respondent. Hence, he returned the power of attorney deed. Challenging the same, the present Writ Petition.



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7.Mr.K.Jeyamohan pleads that subsequent to the Lok Adalat award, the same was registered. He also points out that the aforesaid Vellaipandian had also filed a suit in O.S.No.548 of 2017 against his erstwhile partner, Arumugam. The said suit was decreed. The judgment and decree was also registered. Hence, he argues that the document being the general power of attorney, presented by the petitioner, can be received and registered. He seeks for quashing the refusal check slip.

8.Mr.B.Michael Sebastin, argues that the petitioner had abandoned her husband, V.Kannan and he had executed a “WILL” in favour of the third respondent on 02.06.2021. Therefore, he pleads that the petitioner is not entitled for registration of the power attorney deed.

9.I have carefully considered the submission and I have gone through the records.

10.The narration of the facts shows that on the file of the first respondent, there is a record to show that Arumugam, the original



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beneficiary of the allotment by the Government, had alienated the same in favour of the second respondent in Doc.No.5987/1995. Even if this document is a “Parasala” document, unless and until, it is set aside in the manner known to law, the first respondent cannot receive a document, which conflicts with the earlier documents. The first respondent is not competent to deal with the issue of title or possession. He has to verify whether the person, who is presenting the document is the person claiming through the original vendor. In terms of the verification, he has come to a conclusion that as there is a conflicting document on record, he is not receiving the same.

11. Apart from this predicament that the first respondent has faced, I have to note that the vendor, Arumugam had already alienated the property in favour of the second respondent. After having alienated the property, he exhausted whatever right, title and interest over the same in favour of the second respondent. Whether there is a transfer of title or whether the document was registered before the Sub Registrar, Parasala, is valid or not, are all matter, which has to be necessarily decided by the Civil Court.



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12. Leaving it open to the petitioner to approach the jurisdictional Civil Court for declaration of her title to the property, with or without the relief of injunction of recovery of possession, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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

06.02.2025

cmr

To

The Sub Registrar,
Melapalayam Sub Registrar,
Tirunelveli.



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V. LAKSHMINARAYANAN, J.

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