



W.P(MD)No.13319 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.13319 of 2025

and

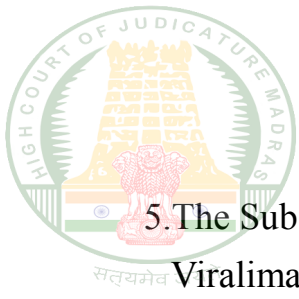
W.M.P.(MD)Nos. 9548 and 9552 2025

V.S.Amaradhan

...Petitioner

Vs.

- 1.The Inspector General of Registration,
Tamil Nadu Registration Department,
No.100, Santhome High Road, Pattinapakkam, Santhome,
Raja Annamalai Puram, Chennai - 600 028.
- 2.The Deputy Inspector General Of Registration,
2nd Floor, Government Multi Purpose Office,
Kajamalai, Trichy - 20.
- 3.The District Registrar (Audit),
District Registration Office,
Court Campus, Pudukkottai District.
- 4.The District Registrar (Administration),
District Registration Office,
Court Campus, Pudukkottai District.



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5.The Sub Registrar,
Viralimalai Sub Registry,
Viralimalai,
Pudukkottai District.

6. Aurumugam

7. Priya

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records and to quash the impugned order, dated 06.09.2022, Na.Ka.No. 173/ThuTha/2022 passed by the third respondent and to quash the same.

For Petitioner : Mr.D.Boopal

For R1 to R5 : Mr.G.Surriya Ananth
Additional Government Pleader

For R6 to R7 : Mr.P.Ganapathi Subramanian

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorari, to quash the impugned order, dated 06.09.2022, passed by the third respondent passed by the third respondent.

2.Through the impugned order, the respondents have declared the Power of Attorney as fraudulent document and the consequential two sales effected by the Power of Attorney as null and void.

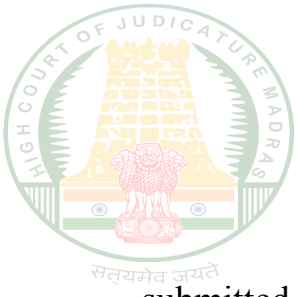


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3.The facts of the case are that one Aurumugam is the original owner of the property who is arrayed as 6th respondent. However, the said Aurumugam's son namely Ravi has executed a Power of Attorney in the name of the petitioner. Based on the said power, the petitioner has executed a sale deed in favour of Karuppaiah and Arumugam. The said Karuppaiah and Arumugam both sold the land in favour of one Madhan, who is the younger brother of the petitioner. The 6th respondent being the owner, has executed a sale deed in favour of the 7th respondent.

4.Now, the said 6th respondent who is the original owner has submitted an application to declare the Power of Attorney executed by his son Ravi in favour of the petitioner as a fraudulent document. After conducting enquiry, the respondents have declared the said Power of Attorney as a fraudulent document. Aggrieved over the same, the petitioner had preferred an appeal. In the meanwhile, Sections 77A and 77B were stuck down. Therefore, the appeal could not be maintained before the authorities.

5.Now, the petitioner is in a checkmate position. Therefore, the petitioner is seeking to quash the impugned order and to grant liberty to approach the appropriate Civil Court.



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6.The Learned Counsel appearing for the respondents 6 and 7 submitted that the document has been declared as a fraudulent document.

Thereafter, the said original owner 6th respondent had executed a fresh sale deed in the name of the 7th respondent. Therefore, the sale executed by the petitioner ought to be declared as null and void

7.Therefore, this Court is of the considered opinion that when the petitioner's right to appeal has been struck down by the judgment of the Hon'ble Division Bench of this Court, the only remedy available to the petitioner is to approach the appropriate Civil Court. Therefore, the impugned order is quashed. The petitioner is directed to approach the Civil Court within a period of two months from the date of receipt of a copy of this order. However, until the disposal of the suit, the petitioner, Karuppaiah, Arumugam and Madhan cannot encumber the property. If they are allowed to encumber, the original owner Aurumugam and Priya would be affected. It is made clear that the observations of this Court and the observations of the official respondents in the impugned order shall not be an impediment to the Civil Court. The Trial Court shall consider the case uninfluenced by the above observations and pass judgment based on the documents, evidence and submissions alone.

8.With the above observations, this Writ Petition is allowed. There



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shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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28.07.2025

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

To

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S.SRIMATHY, J.

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**ORDER MADE IN
W.P(MD)No.13319of 2025**

DATED : 28.07.2025