



W.P(MD)No.17436 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.17436 of 2025

Sonai

... Petitioner

Vs

The Sub Registrar,
O/o.Sub Registrar Office,
Chettikulam (Madurai North),
Madurai District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating with the notice issued by the respondent in Ni.Aa.No.93/2024 dated 30.04.2025 and quash the same as it is illegal and in consequence to direct him to release the General Power of Attorney deed dated 22.11.2024 pending before him as pending document in P93/2024 after assigning the registration number by completing the registration process, within a time to be fixed by this Court.

For Petitioner : Mr.R.Suriya Narayanan

For Respondent : Mr.S.Saji Bino
Special Government Pleader



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ORDER

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This writ petition is filed for Writ of Certiorarified Mandamus, to quash the impugned notice issued by the respondent in Ni.Aa.No.93/2024 dated 30.04.2025 and consequently direct him to release the General Power of Attorney deed dated 22.11.2024 pending before him as pending document in P93/2024 after assigning the registration number by completing the registration process.

2.The contention of the petitioner is that the land in S.No.16/5 admeasuring 1 acre 32 cents situated at Chattrathondaiman Patti Village, Madurai North Taluk, Madurai District, originally belongs to one Sonaisamban. Originally, the property was allotted as assigned land to Sonaisamban. One of the condition in the assignment is that Sonaisamban cannot sell the property until 10 years. But, by violating the said condition, Sonaisamban has sold the property to one Pethaikaruppa Kone. in the year 1934. When it was brought to the knowledge of the said Sonaisamban, he has repurchased the said land from the said Pethaikaruppa Kone through registered document No.148/1935. In the meanwhile, the said Sonaisamban has sold the said property to various persons. The balance 80 cents were acquired by the National Highways. After the death of Sonaisamban, his legal heirs namely Sonaiammal and the petitioner namely, Sonai had inherited the property. Thereafter, on 22.06.2018, the said Sonaiammal died



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left behind her husband namely, Tamil Raj and daughter Muthulakshmi and her sons Andichamy and Sanjeevi as legal heirs. Hence, the legal heirs of the said Sonaammal have executed a general power of attorney on 22.11.2024 and presented the same for registration before the respondent.

3.According to the respondent, when the entire property sold in the year 1991, 1992 and 1993 through various documents by the original owner namely, the said Sonaisamban and the balance was acquired by the National Highways. As on date, there is no land at all to be sold. Therefore, they had objected to register the power of attorney. Further, the purchasers of the above said land have filed suits in O.S.Nos.72, 81 and 82 of 2008 on the file of the learned District Munsif, Melur, seeking bare injunction against the petitioner and two others, which were dismissed on 28.08.2017. Against which, the appeal in A.S.Nos.56, 57 and 58 of 2019 have filed before the Sub Court, Melur, and the same were dismissed on 12.03.2025. Under such circumstances, the general power of attorney cannot be registered.

4.After hearing the rival submissions, this Court is of the considered opinion that the petitioner's father, namely, Sonaisamban has already sold the entire extent of the property. The balance property was already secured by the National Highways. There is no land for further sell. Therefore, the respondent



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have strongly objected for registering the general power of attorney. This Court is the considered opinion that there is no land, the respondent cannot object. But, it has to be registered as a contra entry or a double entry. Therefore, the impugned order is liable to be quashed.

5. Accordingly, this writ petition stands disposed of. The impugned notice issued by the respondent in Ni.Aa.No.93/2024 dated 30.04.2025, is hereby quashed. The respondent is directed to issue notice to all the earlier purchasers and register the general power of attorney as a contra entry after hearing their objections. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

07.07.2025

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

Vsg



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To

The Sub Registrar,
O/o.Sub Registrar Office,
Chettikulam (Madurai North),
Madurai District.



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S.SRIMATHY, J.

Vsg

**ORDER MADE IN
W.P(MD)No.17436 of 2025**

DATED : 07.07.2025