

W.P.(MD)No.17535 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.17535 of 2025

and

W.M.P(MD)No. 13385 of 2025

Sheela

...Petitioner

Vs.

1. The Inspector General of Registration, Department of Registration,
100, Santhome High Road,
Chennai 28
2. The Additional Inspector General of Registration,, Department of
Registration,
100, Santhome High Road,
Chennai 28
3. The District Registrar Office of the District Registrar,
Sivagangai District.
4. The Joint Sub Registrar 1 Office of the Joint Sub Registrar 1,
Sivagangai District.
5. Chitra Devi,

...Respondents

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, to call for the records connected with Impugned order in Moo.Mu.No. 4090/E1/2022, dated 10.05.2023 issued by the respondent No. 3 and quash the same as illegal in accordance with law and pass such further or other orders as this



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Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

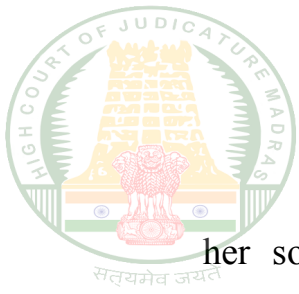
For Petitioner : M/s. Dr.R.Alagumani

For Respondents : Mr.S.Kameshwaran,
Government Advocate For RR1 to 4
M/s. T.Mathesh For R5

ORDER

The present Writ Petition has been filed for the issuance of a *Writ of Certiorari*, to call for the records connected with Impugned order in Moo.Mu.No. 4090/E1/2022, dated 10.05.2023 issued by the respondent No. 3 and quash the same.

2. Through the impugned order the respondents cancelled the Doc.No.429/2016. The brief facts are that the petitioner had purchased the property in S.No.38/1D and 38/11 in Pulangurichi Village, Kalayarkovil Taluk, Sivagangai District in Doc.No.429/2016 registered on 14.03.2016. The property was inherited by one Sornavalli and her son Nagarajan, along with other legal heirs including Respondent No.5 namely Chitra Devi and Valitha Devi and Premavathi. The above mentioned property was partitioned among the family members and the above mentioned S.Nos.38/1D and 38/11 was allotted to Sornavalli and

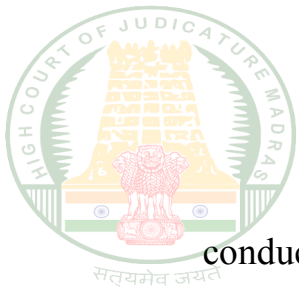


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her son Nagarajan. The said Sornavalli and Nagarajan executed a

General Power of attorney in favour of one Alexander. The petitioner purchased the property from the said Alexander. The respondent No.5 Chitradevi had filed a civil suit seeking partition of family property in O.S.No.192 of 2012 on the file of Sub court, Sivagangai seeking partition and also to declare the general power of attorney is invalid. The said suit was dismissed. Thereafter, the 5th respondent submitted a representation dated 12.10.2022, seeking cancellation of sale deed stating that the Sornavalli was died on 30.10.2013, but the sale deed was executed on 14.6.2016 by the said Alexandar.

3. The 5th respondent stated that one of the executor of the power of attorney was died and hence it becomes invalid. The 5th respondent has also filed a complaint before the District Crime Branch, Sivagangai and FIR was registered and charge sheet was also filed. The petitioner has filed a quash petition in CrI.OP.(MD).No.7490 of 2025 seeking to quash the charge sheet and there is some interim stay for further proceedings. The 5th respondent further claims that the life certificate issued by the Government Doctor on 14.03.2016 is invalid since the Sornavalli was died in the year 2013 itself. Based on the complaint, an enquiry was



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conducted, wherein, it is declared that based on the forged life certificate and false information the document was registered and it was ordered to cancel the document as well as to initiate criminal proceedings. The petitioner claims that he is the bonafide purchaser and the petitioner bonafidely believe the said Sornavalli was alive. All the relevant documents and representation made to the petitioner indicated that both the executance of power of attorney were alive. The said power of attorney and the sale deed was never challenged in the civil Court. The present allegation regarding the death of the Sornavalli and the consequent invalidity of the power of attorney was raised for the second time in the present representation after dismissal of partition suit and the purchase of the property. Hence, the petitioner prays to quash the impugned order.

4. After hearing the submissions, this court has given a anxious consideration. Even though the impugned order passed under section 77A of Registration Act the said order cannot be quashed, for the reason that the sale deed was executed after the death of one of the executant of power of attorney. The power of attorney would get lapsed on the death of the executant unless a fresh power of attorney is granted by the person



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who is alive. The power agent will not get power to execute the sale deed.

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The respondent is not having power under section 77A, since it has been struck down. However, the respondents are having power under section 82 and 83 of the Registration Act for initiating criminal proceedings. If there is any impersonation or if there is any fraud committed by presenting forged life certificate. In the present case, it is seen prima facie, the life certificate is forged, the present impugned order ought to be taken as passed under Sections 82 and 83 and not under Section 77A. Therefore, this Court is not inclined to set aside the impugned order. However, the petitioner is at liberty to work out his remedy under the provisions under criminal law and civil law.

5. With the above said observations, this writ petition is dismissed.

No costs. Consequently connected miscellaneous petition is closed.

08.08.2025

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NCC : Yes / No

Internet : Yes

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S.SRIMATHY, J.
gvn

To:

1. The Inspector General of Registration, Department of Registration,
100, Santhome High Road,
Chennai 28
2. The Additional Inspector General of Registration,, Department of
Registration,
100, Santhome High Road,
Chennai 28
3. The District Registrar Office of the District Registrar,
Sivagangai District.
4. The Joint Sub Registrar 1 Office of the Joint Sub Registrar 1,
Sivagangai District.

ORDER MADE IN
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