



W.P(MD)No.19091 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.19091 of 2025

and

W.M.P.(MD).Nos.14637 and 14638 of 2025

1.K.H.Zuhail Shaman

2.K.H. Ashfaq Faheem

... Petitioners

Both the petitioners are represented through their power agent Mr.S.Arul Gnana Stephen.

vs.

1. The District Registrar (Admin),
(Sub-Inspector General of Registration-Cadre),
Office of District Registrar,
Palayamkottai,
Tirunelveli District-627 002.

2. R. Jaisankar,

... Respondents

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 to the impugned order passed by the 1st Respondent by his proceedings in Na.Ka.No.4972/E2/2020 dated 16.12.2021 and consequentially pass the order that the Doc.Nos. 523/2006 and 246/2007 registered before the Joint-Registrar No.1, Palayamkottai are valid documents, except the land in Survey Nos.446 and 447/2 situated at, Munainchipatti Village, Moolaikarai Sub-Registrar District, Tirunelveli District, and directing the 1st respondent to remove the entry made in



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the encumbrance certificate in respect of Doc.Nos.523 of 2006 and 246 of 2007 registered before the Joint-Registrar No.1, Palayamkottai.

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For Petitioner	: Mr.V.George Raja, for M/s.Ajmal Associates
For R1	: Mr.S.Saji Bino Special Government Pleader
For R2	: Mr.Muthu Kannan

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus to quash the impugned order passed by the 1st Respondent dated 16.12.2021 and consequentially pass the order that the Doc.Nos. 523/2006 and 246/2007 registered before the Joint-Registrar No.1, Palayamkottai are valid documents, except the land in Survey Nos.446 and 447/2 situated at, Munainchipatti Village, Moolaikarai Sub-Registrar District, Tirunelveli District, and directing the 1st respondent to remove the entry made in the encumbrance certificate in respect of Doc.Nos.523 of 2006 and 246 of 2007 registered before the Joint-Registrar No.1, Palayamkottai.

2. The learned counsel appearing for the petitioner submitted that the impugned document is a sale deed under which the petitioner purchased the property. In the said document, several survey numbers are mentioned. Except for Survey Nos. 446 and 447/2, all other survey numbers belong to the petitioner as



per the sale deed. However, Survey Nos. 446 and 447/2 belong to the second respondent. These two survey numbers were included in the petitioner's sale deed based on a power of attorney deed. But the said sale deed was executed after the death of the second respondent's father. It is settled proposition that after the death of the principal, the power of attorney deed becomes invalid and is no longer effective. Consequently, the sale become fraudulent document.

3. The learned Special Government Pleader appearing for the official respondents submitted that, except for Survey Nos. 446 and 447/2, the petitioner is entitled to other survey numbers. But the petitioner is not entitled to Survey Nos. 446 and 447/2. This fact is also confirmed by the official respondents, who have filed a counter affidavit. Relevant portions of paragraph 4 of the counter affidavit are extracted below:

....

" 4. I respectfully submit that, the 2nd respondent lodged a complaint before the 1st respondent dated 17.11.2020 to cancel the Doc.Nos.506/1995, 138/1996, 523/2006, 246/2007 dated 01.08.1995, 07.02.1996, 22.05.2006 and 15.02.2007 respectfully pertaining to S.Nos.446 and 447/2 Munainchipatti Village, Tirunelveli District to an extent of 11 acres 77 cent and 2 acres respectively. "



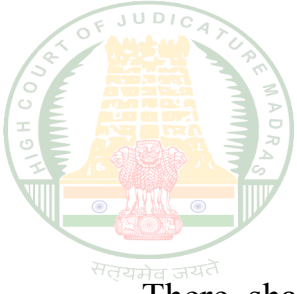
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4. This Court is of the considered opinion when the inclusion of S.Nos.446 & 447/2 alone is incorrect, then the entire document cannot be declared as fraudulent. If the document No.523/2006 and 246/2007 is declared as illegal as far as S.Nos.446 & 447/2 is concerned, the same would protect the interest of both the petitioner and the owner of S.Nos.446 & 447/2. Therefore, the 1st respondent is directed to modify the entry and made an entry that the document is illegal as far as S.Nos.446 & 447/2 is concerned.

5. Accordingly, the impugned order passed by the 1st Respondent dated 16.12.2021 is hereby set aside. The respondent is directed to modify the entry as stated supra within a period of four weeks from the date of receipt of a copy of the order.

6. The 2nd respondent is also issued a Patta No.338 covering S.No. 446 to the extent of 11.77 cents another Patta in 1215 covering S.No.447/2 extent 2.81 hectares. The same is recorded.



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7. With the above observations, this Writ Petition is disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

23.07.2025

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

To:

The District Registrar (Admin),
(Sub-Inspector General of Registration-Cadre),
Office of District Registrar,
Palayamkottai,
Tirunelveli District-627 002.



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S.SRIMATHY, J.

KSA

**ORDER MADE IN
W.P(MD)No.19091 of 2025**

DATED : 23.07.2025