



W.P(MD)No.34360 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.34360 of 2025

and

W.M.P(MD)No.27178 of 2025

M.Somanathan

... Petitioner

Vs.

1.The Sub Registrar,
Thiruverumbur Sub Registrar,
Thiruverumbur,
Trichy District.

2.M.Amirudeen
3.N.Pachaiammal
4.N.Murali
5.Malarvizhi
6.Selvarani
7.Kalarani
8.N.City Babu
9.Meenatchi
10.N.Ilaiyaraja

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned refusal check slip in Refusal



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No.RFL/Thiruvarambur/442/2025 dated 14.11.2025 issued by the first respondent and quash the same as illegal and consequently direct the first respondent to register the petitioner's sale deed dated 13.11.2025 in Temporary Registration No.TP/239479842/2025 and release the same after completion of registration, within time frame as stipulated by this Court.

For Petitioner : Mr.B.Prasanna Vinoth
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R.1

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the first respondent. Issuance of notice to the private respondents is dispensed with.

2.Sale deed dated 13.11.2025 was executed by the writ petitioner in favour of the second respondent conveying the petition mentioned property. The same was presented for registration. Registration was refused by citing the objection received from one Natarajan. Challenging the stand of the registering authority, this writ petition has been filed.



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3.The learned counsel appearing for the writ petitioner draws my attention to the order dated 21.12.2024 passed by me in W.P(MD)No. 22601 of 2023 (S.Senthil Kumar Vs The Sub Registrar, Thiruverumbur Sub Registrar, Thiruverumbur, Trichy District & another). Natarajan / objector was shown as the second respondent in the writ petition and he was also heard through his counsel. Subsequently, Natarajan passed away and his legal heirs are on record as respondents 3 to 10. The learned counsel for the petitioner submits that the legal heirs have not come forward to make any objection. In fact, the refusal check slip also refers only to the earlier objections submitted by Thiru.Natarajan.

4.This objection has already been dealt with by me in the aforesaid order. Paragraphs 5 to 7 of the said order read as follows:

“5.The contesting respondent has filed a detailed counter affidavit and the learned counsel took me through its contents. The stand of the second respondent is that the petition mentioned plot was part of a larger extent of land and it belonged to Manian Navalangiyar who is none other than the late father of the second respondent. It is beyond dispute that Manian Navalangiyar passed away on 08.03.1997. The



petitioner's title rests on the sale deed dated 09.02.2007.

It was executed by one Tamilarasi. Tamilarasi executed the sale deed based on the power of attorney executed by Manian Navalangiyar on 06.10.1994. The argument of the learned counsel for the second respondent is that when the principal had passed away, the power of attorney would automatically lapse and therefore, the sale deed executed by the power agent after the demise of the principal is nonest in the eye of law. The learned counsel relied on the decision of the Hon'ble Supreme Court reported in 2022 (8) SCC 210 (Asset Reconstruction Company (India) Limited Vs. S.P.Velayutham). The learned counsel for the second respondent would call upon this Court to bear in mind the settled principle of law that fraud would vitiate everything and that a document vitiated by fraud cannot confer any right. He called upon this Court to sustain the impugned refusal check slip and dismiss the writ petition.

6.I carefully considered the rival contentions and went through the materials on record. The basic facts put forth by the learned counsel for the second respondent are beyond dispute. The property originally belonged to Manian Navalangiyar. He had executed power of attorney on 06.10.1994 in favour of one



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Tamilarasi. The said Tamilarasi appears to have promoted a layout in the name and style of Valampuri Nagar. Approval was also granted by the local body on 24.09.2002. The layout promoter had sold the plots on the strength of the power of attorney. Plot No.108 measuring 3300 sq. ft., was sold in favour of the petitioner herein vide registered sale deed dated 09.02.2007 (Document No.779/2007) on the file of the first respondent. The power of attorney was in respect of a larger extent of land more than 15 acres.

7.The assumption of the second respondent is that once the principal dies, the power of attorney would also lapse as a direct consequence. This proposition may not hold good always. There are certain facts to be taken into account. There is nothing on record to show that the petitioner was a party to any deliberate act of fraud. The total extent of land was over 15 acres. More than 100 plots had been plotted out. The petitioner had purchased one such plot (Plot No.108 measuring 3300 sq. ft.) from the layout promoter. The layout promoter executed sale deed on the strength of a power of attorney. The transaction in favour of the petitioner took place 17 years ago (2007). The second respondent had raised objection for the first time only in the year 2015. In these circumstances, it is not possible for this Court



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to give a definitive declaration that the petitioner does not have any title. The registering authority also cannot go into such issues. If the second respondent has any right, it for him to establish the same before the jurisdictional Civil Court. The sale deed has not been impeached by the second respondent before any such Court. There is no declaration in favour the second respondent till date. Therefore, he cannot ride piggy-back on the first respondent. The first respondent cannot adjudicate such contested questions of fact and law. The impugned refusal check slip is set aside. The petitioner is permitted to re-present to the document. The first respondent shall receive it and registered it subject to fulfilment of other formalities.”

5. Similar approach had been adopted by other Judges of this Court in W.P(MD)No.4421 of 2025 (Subash Chandran Vs The Sub Registrar, Thiruverumbur Sub Registrar, Thiruverumbur, Trichy District & Others) dated 28.04.2025, W.P(MD)No.4422 of 2025 (R.Rathnaraj Vs The Sub Registrar, Thiruverumbur Sub Registrar, Thiruverumbur, Trichy District & Others) dated 28.04.2025 and W.P(MD)No.18608 of 2025 (S.Jayashankar Vs The Sub Registrar, Thiruverumbur Sub Registrar, Thiruverumbur, Trichy District & Others) dated 09.07.2025. The private



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respondents 3 to 10 herein were shown as the respondents in those writ petitions.

6.The learned counsel for the petitioner points out that the patta also stands in his name. Patta No.3230 of Suriyur Village has been enclosed in the typed set of papers. When quite a few writ petitions dealing with the objections raised by Natarajan have already been dealt with by this Court, it is not proper on the part of the registering officer to once again reiterate the very same objection for refusing registration. In this view of the matter, the impugned order stands quashed.

7.This Writ Petition is allowed accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

27.11.2025

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

To
The Sub Registrar,
Thiruverumbur Sub Registrar,
Thiruverumbur,
Trichy District.

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G.R.SWAMINATHAN, J.

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