



WP No. 1221 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

Writ Petition No. 1221 of 2023

S.Kanniappan

..Petitioner

Vs

1. The Director of Medical and Rural Health Services,
DMS Complex, No.361,
Anna Salai,
Chennai- 600 006.
2. The Inspector General of Registration
No.100, Santhome High Road,
Pattinapakkam, Chennai- 600 028.
3. The Joint Director of Health Services
Arcot Road, Thottapalayam,
Vellore- 632 004.
4. The District Registrar
Registration Department Integrated Complex
4th Gandhi Road, Bazar Street (Near Market),
Arakkonam- 631 001.
5. Dr.V.M.Regina, Asst Civil Surgeon
Government Hospital,
Arakkonam, Ranipet District.
6. Dr.V.Ganesan, Asst.Medical Officer
Government Hospital,
Arakkonam, Ranipet District.



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7. Sheela, Sub Registrar
Arakkonam Joint- I, Ranipet District.
8. R.Senthil Ramanan, Sub Registrar
Arakkonam Joint- I, Ranipet District.
9. The State,
Rep by the Inspector of Police,
Town Police Station,
Arakkonam , Ranipet District.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents 3 and 4 to issue the sanction U/s. 197 Cr.P.C. by conducting proper enquiry based on petitioner's representation given to the Respondents 1-4.

For Petitioner: Mr.M.Samuel Raja

For Respondents: Mr.R.Ganesh Kumar
Counsel for Government of Tamil Nadu (Crl.Side)
for R1 to R4

ORDER

This Writ Petition has been filed seeking a direction to the respondents 3 and 4 to issue prior sanction for the prosecution of the concerned public servants.

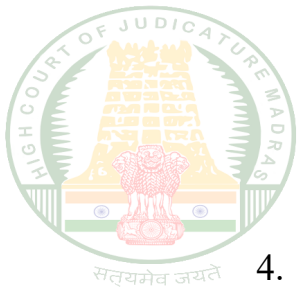


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2. Heard the learned counsel appearing for the petitioner and the learned counsel for Government of Tamil Nadu (Criminal Side) appearing for the respondents 1 to 4. Perused the materials available on record.

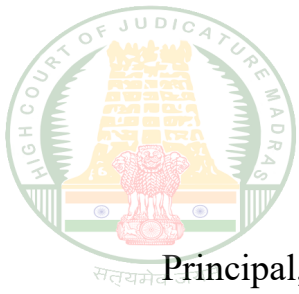
3. The case of the petitioner is that his mother had purchased the immovable properties. One Venkatesan approached the mother of the petitioner to execute the power of attorney in his favour, representing that an ONGC pipe line project would be passing through her property and as such, necessary steps to be taken to divert the way of the said project. The petitioner's mother refused to execute any such power of attorney. In the meanwhile, the petitioner's mother died intestate on 04.04.2016, leaving behind the petitioner and seven other legal heirs. However, without execution of any power of attorney, the said Venkatesan continued to maintain the said property. When the petitioner took steps to settle the subject property, he came to know that the said Venkatesan had illegally obtained power of attorney in respect of the immovable properties from his mother and had registered the same as document No.9509 of 2013 dated 04.12.2013.



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4. On the strength of the power of attorney, the said Venkatesan had executed a sale deed in favour of one Subash Chandra Bose. That apart, the said Venkatesan colluded with the Registering Authority and created several encumbrance over the subject property by executing various deeds. Hence, the petitioner lodged a complaint before the jurisdictional police station. However, the said complaint was not considered and as such, the petitioner lodged another complaint before the jurisdictional Court and the same was returned on the ground that prior sanction to prosecute the Government officials, as contemplated under Section 197 of Cr.P.C was required. Therefore, the petitioner submitted a representation before the respondents 3 and 4 seeking prior sanction for prosecution.

5. A perusal of the counter affidavit filed by the fourth respondent and the submissions made by the counsel appearing on either side reveals that the documents were registered by the Registering Authority only after verification of the life certificate of the Principal. At the time of registration, there was absolutely no substances or any objection pending from any party on record. In fact, the petitioner's mother had executed a power of attorney in favour of the said Venkatesan and subsequently on production of the life certificate of the



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Principal, several deeds were executed and registered in favour of the third parties. Only on verification of the life certificate and other documents, the Registering Authority registered the documents.

6. Insofar as the requirement of prior sanction to prosecute public servants under Section 197 of the Cr.P.C. is concerned, the legal protection is attracted when the alleged act done by the public servant is reasonably connected with the discharge of his official duty and is not a mere cloak for committing an objectionable act. Even if a public servant acts in excess of his authority while discharging his official duty, the excess alone will not deprive him of such statutory protection, provided there is a reasonable nexus between the act committed and the performance of his official duty. To fetch liability, it must be demonstrably shown that the official concerned was accused of an offence alleged to have been committed by him while acting or purporting to act in the discharge of his official capacity.

7. A perusal of the entire complaint reveals that there are no such allegations against the respondents 3 and 4. Even according to the petitioner, the power of attorney was executed by his mother in favour of the said



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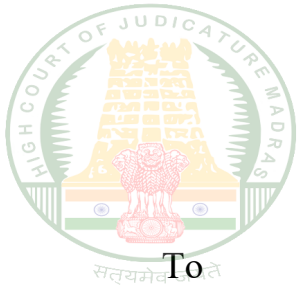
Venkatesan on account of his inducement. Therefore, there is absolutely no reason to prosecute the officials who merely registered the documents on the strength of the said power of attorney. If at all any grievance over the deeds executed by the power of attorney holder, the petitioner ought to have approached the civil Court for appropriate relief. Admittedly, till date, the petitioner did not challenge any of the deeds executed by the power holder in the manner known to law.

8. In view of the above, the representation submitted by the petitioner seeking prior sanction to prosecute the officials cannot be granted. Thus, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. No costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

LPP



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G.K.ILANTHIRAIYAN J.

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