

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.8203 of 2015 & MP.No.1/2015

A.Thilagavathi

..

Petitioner

Versus

The Sub-Registrar,
Avinashi Sub-Registrar Office,
Avinashi,
Tiruppur District-641 659

..

Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent to register the document(s) presented by the petitioner through her Power Agent or directly for sale of her properties in S.Nos.46, 46/1, 46/3 and 107, Rakkipalayam Village in Devarayampalayam, Rakkipalayam Village Majra, Avinashi Taluk, Avinashi Sub-District, Tiruppur District without insisting on name transfer in Patta, Chitta and Adangal, etc., in favour of any purchaser as per law.

For Petitioner : Mr.S.Silambanan, Senior Counsel for
M/s.Profex Associates

For Respondent : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

Heard Mr.S.Silambanan, learned Senior Counsel appearing for M/s.Profex Associations, learned counsel appearing for the petitioner and Mr. V.Jayaprakash Narayanan, learned Special Government Pleader accepting notice for the respondent and with their consent, the writ petition itself is disposed of at the admission stage itself.

2.The petitioner has filed this writ petition seeking for the respondent to register the document(s) presented by the petitioner through her Power Agent or directly for sale of her properties in S.Nos.46, 46/1, 46/3 and 107, Rakkipalayam Village in Devarayampalayam, Rakkipalayam Village Majra, Avinashi Taluk, Avinashi Sub-District, Tiruppur District without insisting on name transfer in Patta, Chitta and Adangal, etc., in favour of any purchaser as per law.

3.The petitioner would state that the property in question belongs to her husband M.Arumugam, who had purchased the same by three Registered Sale Deeds dated 21.10.2005 [Document No.9630/2005] ; 21.10.2005 [Document No.9631/2005] and 13.12.2005 [Document No.11682/2005]. The petitioner's husband is said to have executed a Settlement Deed in favour of the petitioner vide Settlement Deed dated 15.02.2008 registered as Document No.2153/2008 on the file of the Sub Registrar, Avinashi. The petitioner is said to be not keeping good health and therefore, she seeks to sell the property and for which purpose, she has appointed one M.Subramani, as her Power Agent vide registered Power of Attorney dated 28.02.2008. When the petitioner through her Power Agent, attempted to sell the property and presented the document for registration, the Sub Registrar is refusing to entertain the document and the petitioner has been orally informed that unless the patta, chitta, adangal reflects the name of the petitioner, the document cannot be accepted for registration. The petitioner would state that the patta, Chitta, Adangal and other revenue records stand in the name of the vendor of the petitioner's husband.

4.It is seen that till date, the respondent has not refused to register the document which was presented for registration and there is no cheque slips issued. Hence, this Court is of the view that the petitioner should be permitted to present the document for registration and on such presentation, the respondent shall consider as to the admissibility of the document and if there are any valid reason for refusing registration, the respondent shall pass an order to the said effect.

5.Accordingly, there will be a direction to the petitioner to present the document for registration along with a copy of this order and on such presentation, if there is any valid reason for refusal of registration, the respondent herein shall pass a speaking order and communicate the same to the petitioner within a period of two weeks from the date on which the document is presented. Thereafter, it is open to the petitioner to work out her remedy in the manner known to law.

6.The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

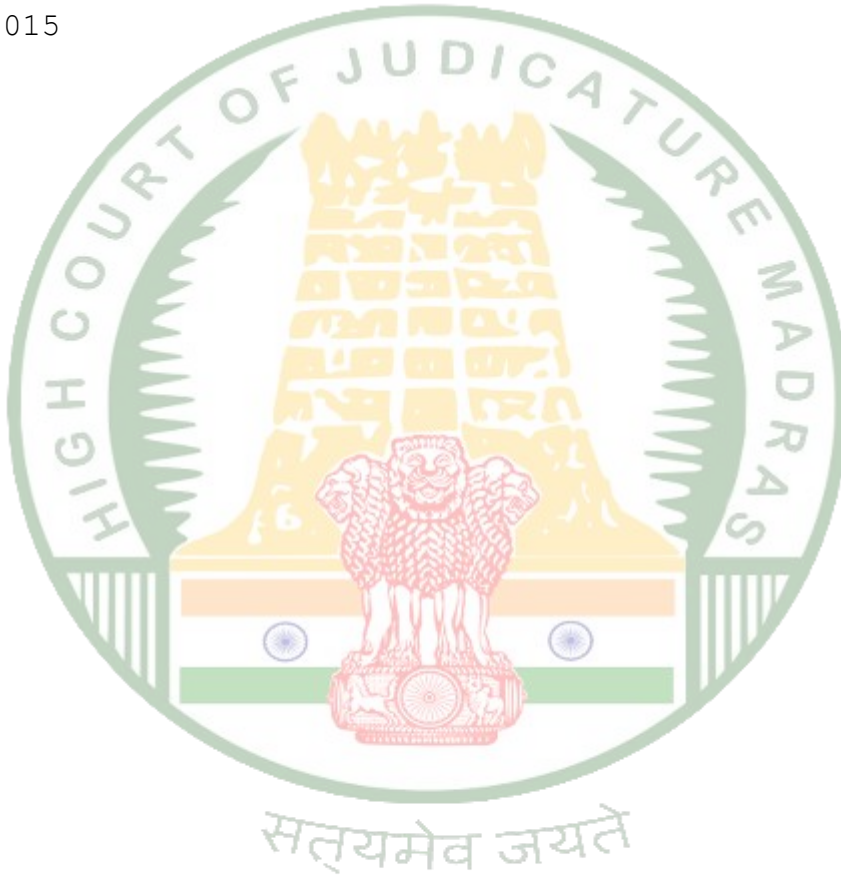
To

The Sub-Registrar,
Avinashi Sub-Registrar Office,
Avinashi,
Tiruppur District-641 659.

2 cc to M/s.Profex Associates ,Advocate, SR.No.16552
1 cc to Government Pleader,Sr.No16671

WP.No.8203 of 2015

kv(co)
pmk.26.3.2015



WEB COPY