

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.8971/2015 & MP.No.1/2015

- 1.V.Chandralatha
- 2.Parvathammal @ Parvatham
- 3.Parthiban
- 4.Alamelu Mangaivadanammal @ Mathi
- 5.Shanmughavadana
- 6.Jeevakumar
- 7.K.Ponnurangam

... Petitioners

Versus

1. The Sub-Registrar Villiyanur,
Office of the Sub-Registrar Office,
Villianur Pondicherry.
2. The District Registrar,
Office of the Registration Department,
Kamraj Salai, Pondicherry.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the respondents to admit and register the General Power Deed dated 02.12.2014 executed by the Petitioners 1 to 5 in favour of Petitioners 6 and 7 in respect of the properties situated at Pondicherry Registration District, Villianur Sub Registration District, Villianur Commune Panchayat, Villianur Revenue Village and comprised in a) Survey No.237/1, Cadastre No.718, Patta No.693 having extent of 1 hectare 14 Ares b) Survey No.237/2-A, Cadastre No.719 part, Patta No.693, extent 7 hectares 60 Ares and bounded on the South by Sangaraparani River, East by Pudhu Nagar Road, West by Road leading to Uruvaiyar and in the North Road leading to Othiampattu.

For Petitioners : Mr.J.Suresh
For Respondents : Mr.A.Tamilvanan,
GA, Pondicherry

ORDER

Heard Mr.J.Suresh, learned counsel for the petitioners and Mr.A.Tamilvanan, learned Government Advocate [Pondicherry] appearing for the respondents and with their consent, the writ petition is disposed of at the admission stage itself.

2.The Petitioners have filed this writ petition to direct the respondents to admit and register the General Power Deed dated 02.12.2014 executed by the Petitioners 1 to 5 in favour of Petitioners 6 and 7 in respect of the properties situated at Pondicherry Registration District, Villianur Sub Registration District, Villianur Commune Panchayat, Villianur Revenue Village and comprised in a) Survey No.237/1, Cadastre No.718, Patta No.693 having extent of 1 hectare 14 Ares b) Survey No.237/2-A, Cadastre No.719 part, Patta No.693, extent 7 hectares 60 Ares and bounded on the South by Sangaraparani River, East by Pudhu Nagar Road, West by Road leading to Uruvaiyar and in the North Road leading to Othiampattu.

3.The Petitioners submitted the General Power Deed dated 02.12.2014 for registration and the 1st respondent is said to have refused to accept the same for registration under the provisions of the Registration Act, 1908, the Sub Registrar concerned is entitled to refuse registration. But while doing so, he is required to pass an order and there cannot be an oral direction to the person presenting the document for registration to take back the document.

4.Therefore, there will be a direction to the petitioners to present the document before the 1st respondent for registration and on such presentation, the 1st respondent shall accept the document and if there are any justifiable and valid ground for refusing registration, then appropriate orders shall be passed on merits and in accordance with law, after issuing notice to the petitioners and affording them an opportunity of hearing. The above direction shall be complied with by the 1st respondent, within a period of ten days from the date on which the document is presented for registration.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP/gya

To

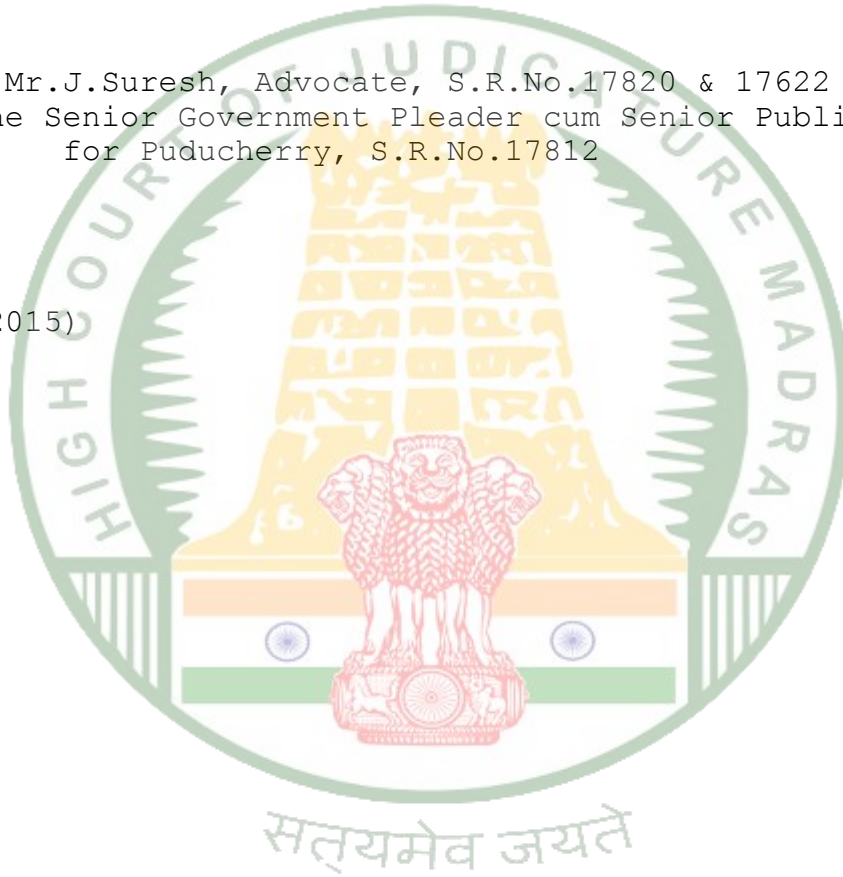
1. The Sub-Registrar Villiyanur,
Office of the Sub-Registrar Office,
Villianur Pondicherry.
2. The District Registrar,
Office of the Registration Department,
Kamraj Salai, Pondicherry.

+2cc's to Mr.J.Suresh, Advocate, S.R.No.17820 & 17622

+1cc to the Senior Government Pleader cum Senior Public Prosecutor
for Puducherry, S.R.No.17812

MG (CO)
CA(01/04/2015)

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