

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.38563 OF 2015

ORDER:

The petitioner seeks to question the action of the Registrar in registering the General Power of Attorney by the 5th respondent in favour of the 6th respondent.

The petitioner made claim on the ground that she has share in the property of the 4th respondent and without reference to the petitioner, the 5th respondent, who is son of the 4th respondent has alienated the entire property of the 4th respondent by way of General Power of Attorney in favour of the 6th respondent. The action of the registering authority in not verifying the prima facie title of the 5th respondent to deal with the entire property of the 4th respondent is questioning in the writ petition.

I am unable to see any legal foundation for such a claim as the Registrar, who registers the document under the Registration Act has power to examine the document from the stand point of compliance under the Indian Stamp Act and Indian Registration Act and any such compliance with the same, he is bound to register the document. Registering authority, therefore, cannot examine the title of the person executing the document and refuse to register the document on finding that the person executing the General Power of Attorney does not have exclusive title. Since such enquiry into the title is falls outside the jurisdiction of the registering authority, I am not inclined to entertain the writ petition. However, the writ petitioner is aggrieved by the registration, she is at liberty to avail appropriate remedy available under law.

With the above observation, the writ petition is dismissed with a liberty to the petitioners to avail such remedy. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

27.11.2015

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