

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.11849/2016

1.Mrs.A.Lakshmi

2.Mrs.A.Geetha

3.Mrs.A.Lalitha

4.Mrs.A.Nimmi

** Petitioners represented by their Power
Agent K.C.Raja

.. Petitioners

Versus

1.The Inspector General of Registration
O/o.the Inspector General of Registration
100, Santhome High Road,
Foreshore Estate, Chennai 600028.

2.The Tahsildar
Mylapore Circle, No.28, Ground Floor
Pasumpon Muthuramalingam Road
RA Puram, Chennai 600028.

3.The Sub Registrar
Sub Registrar's Office
16, Pycrofts Road, 1st Street,
Royapettah, Chennai 600 014.

4.M.A.Namazee Endowment
rep.by its Muthavalli Azeez Khaleeli
Old No.28, New No.148, Angappa
Naicken Street, Chennai 600 001.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 3rd respondent to register and release the original document of "General Power of Attorney" dated 29.05.2015 in P.No.93/2015 executed by 1.A.Lakshmi, 2.A.Geetha, 3.A.Nimmi and 4.A.Lalitha in favour of the petitioner.

For Petitioners : Mr.K.Subashini for
M/s.Chennai Law Associates

For RR 1 to 3 : Mr.R. Vijayakumar, AGP

For R4 : No appearance

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioners claim to be the owners of the property situated at Old No.36-E, New No.172, Anna Salai [Mount Road], Chennai-6 and according to them, they are having the right, title and possession in respect of the said property and since all of them are women, they are finding it extremely difficult to manage the said property and therefore, they executed a Power of Attorney dated 28.05.2015 in favour of one K.C.Raja and when it was presented for registration before the 3rd respondent, it was taken as pending Document No.93/2015. When the Power of Attorney agent of the petitioners approached the 3rd respondent, he was informed that an objection has been received from the 4th respondent for registering the said Power of Attorney and therefore, it is kept pending. The petitioners in this regard, have also sent a representation dated 19.11.2015 to the Chief Minister Cell seeking for a direction to the 3rd respondent to register and release the document.

3 The learned counsel for the petitioners has drawn the attention of this Court to the typed set of documents and would submit that to trace the title of the petitioners, all the relevant documents have been enclosed and though the 3rd respondent had developed suspicion, in the letter addressed to the Principal Secretary of the Tamil Nadu Wakf Board seeking clarification, has recorded the fact that patta in respect of the property, granted in favour of Lakshmi and two others, is genuine and in the light of the said fact, there cannot be any impediment on the part of the 3rd respondent to register and release the Power of Attorney and also invited the attention of this Court to the order dated 13.01.2015 made in WP.No.32629/2014 [B.BALASUBRAMANIAM Vs. INSPECTOR GENERAL OF REGISTRATION AND TWO OTHERS] and prays for appropriate orders.

4 Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 3, would submit that since there is suspicion that the property in question may be the property belonging to the Wakf Board, the 3rd respondent has sent a communication to the Principal Secretary, Tamil Nadu Wakf Board, Chennai-1, and the response is awaited and that is why, the Power of Attorney is not registered.

5 This Court considered the rival submissions and also perused the materials placed before it.

6 Though the 4th respondent has been served and his name appears to be in the Cause List, there is no representation on his behalf.

7 This Court, in the light of the above facts and circumstances, directs the 3rd respondent to call upon the authorised representative of the petitioners, viz., K.C.Raja, as to the non-registration of the Power of Attorney dated 28.05.2015 bearing Document No.93/2015 and to provide an opportunity of personal hearing on 04.07.2016 and thereafter, pass orders on merits and in accordance with law, within a further period of four weeks commencing from 04.07.2016 and communicate the decision taken to the petitioners as well as to the 4th respondent herein.

8 The writ petition is disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

AP

To

1.The Inspector General of Registration
O/o.the Inspector General of Registration
100, Santhome High Road,
Foreshore Estate, Chennai 600028.

2.The Tahsildar
Mylapore Circle, No.28, Ground Floor
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3.The Sub Registrar
Sub Registrar's Office
16, Pycrofts Road, 1st Street,
Royapettah, Chennai 600 014.

1 cc to M/s. Chennai Law Associates, Advocate, Sr. 33348

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