

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.19577 of 2016

1.K.M.Jeyaprakash Narayan
2.K.Sundaraj
3.K.S.Arun
4.M.S.Kamalakannan
5.G.Nandakumar

.. Petitioners

Vs.

1.The Inspector General of Registration,
Santhome, Chennai - 600 004.
2.The District Registrar,
Office of Registration,
Central Chennai.
3.The Joint Sub Registrar II
Villivakkam.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the representation sent as a legal notice dated 30.03.2016 to the 1st respondent by the petitioner and consequently direct the 3rd respondent i.e. The Joint Sub Registrar II, Villivakkam, to register the Power of Attorney document presented by the petitioner for the property situate at Survey No.3/3, to an extent of 8751 sq.ft. Ward E, Andalkoil Street, Mathanakuppam, Korattur, Chennai 600 099.

For Petitioners : Mr.G.Saravanakumar

For Respondents : Mr.R.Goindasamy
Special Government Pleader

O R D E R

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

2 The petitioners would state that the properties situated in Block No.16 A in Survey No.3/3, Ward E, Andalkoil Street, Mathanakuppam, Korattur, Chennai-99, admeasuring to an extent of 8751 sq.ft. is jointly owned by the petitioners and their family members, viz., K.Sundaraj, K.S.Arun,

M.S.Kamalakannan and G.Nanadakumar and they claim to be in possession and enjoyment for more than 20 years and patta has also been issued to them by the Tahsildar, Ambattur and their ownership and possession is also reflected in the Town Survey Register and the said property is also subjected to the statutory levies. The petitioners would further state that in order to meet the financial emergency, the other co-owners had executed a Power of Attorney in favour of the 1st petitioner on 14.03.2016 and when it was presented for registration before the 3rd respondent, he refused to register the same. It is stated by the petitioners that in terms of the Circular No.18223/C1/2013 dated 08.11.2013, the Sub Registrar is authorised to verify the genuineness of the documents which is presented for registration and is also authorised to go into the genuinity of the ownership, whether they are the owners or not and since the petitioners satisfied all the norms, there cannot be any impediment on the part of the 3rd respondent to register the said Power of Attorney and in this regard, a legal notice dated 30.03.2016 was also sent to the 1st respondent and since no orders have been passed, the petitioners came forward to file the present writ petition.

3 Heard the submissions of Mr.G.Saravanakumar, learned counsel appearing for the petitioners and Mr.R.Govindasamy, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3.

4 Though the petitioners prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioners' representation / legal notice dated 30.03.2016 in accordance with law, after putting on notice, the persons concerned and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners as well as to the persons concerned.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Inspector General of Registration,
Santhome, Chennai - 600 004.

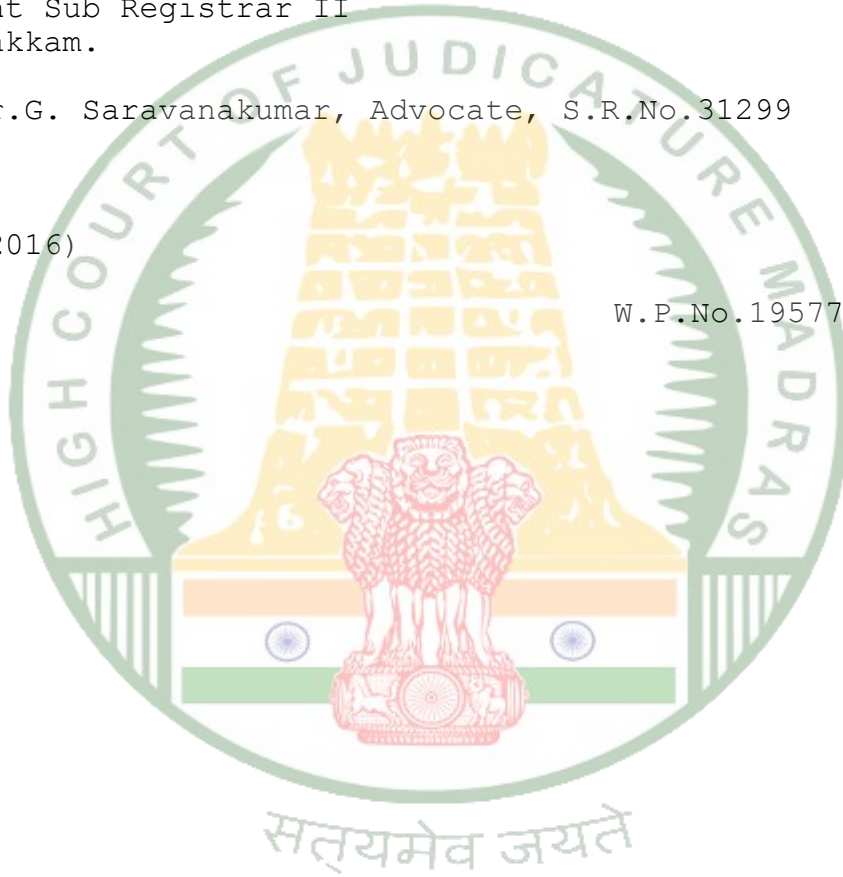
2.The District Registrar,
Office of Registration,
Central Chennai.

3.The Joint Sub Registrar II
Villivakkam.

+1cc to Mr.G. Saravanakumar, Advocate, S.R.No.31299

VD(CO)
EU(21/06/2016)

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