

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No. 40776 of 2015

and

M.P.No.1 of 2015

D.Perumal  
rep. by Power of Attorney  
R.Sridhar .... Petitioner

Vs.

The Sub-Registrar,  
Office of the Sub-Registrar,  
Virugambakkam,  
Chennai. .... Respondent

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to register the agreement of sale dated 01.12.2015 kept as pending document under No.P.168 on the file of the respondent.

For Petitioner : Mr.S.M.Loganathan

For respondent : Mrs.P.Rajalakshmi,  
Government Advocate.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. The petitioner has come forward with the present Writ of Mandamus directing the respondent to register the agreement of sale dated 01.12.2015 kept as pending document under No.P.168 on the file of the respondent.

3. The Deponent of the affidavit filed in support of the Writ Petition, namely, R.Sridhar is a lawful power of attorney of the petitioner D.Perumal and he was appointed as a power of attorney to deal in respect of the property comprised in S.No.264 part, Plot No.307, measuring an extent of 2400 sq.ft within the Sub-Registration District of Virugambakkam and

Registration District of South Chennai. In the year 2004, the petitioner has purchased a plot measuring 2400 sq.ft in K.K.Nagar, 7<sup>th</sup> Sector, 34<sup>th</sup> Street by a sale deed in document No.985 of 2004, dated 24.08.2004 from one P.Govindarajan, who in turn had purchased it from Tamil Nadu Housing Board by a sale deed, dated 19.11.2003 and registered as document No.6160 of 2003. Now, the petitioner is permanently residing at Malaysia and wanted to manage the property, for which, he has executed a power of attorney in favour of the deponent of the affidavit, namely Sridhar. Pursuant to the said Power of Attorney, he entered into an agreement of sale on 01.12.2015 and for want of registration, he presented the document along with the power of attorney before the respondent and the same is kept pending as Document P.168.

4. It is the further case of the petitioner that Section 55 of the Registration Act deals with the execution of the Power of Attorney and the same has to be indexed in Book No.3. After the amendment made to the introduction of provision under the Registration Act, the agreement of sale was made compulsory and also the execution of the power of attorney and the procedures have been amended and the present registration of agreement of sale is brought under Book No.1. The respondent has no role to play during registration of the agreement of sale. Hence, he has come forward with the present writ petition.

5. Heard the submissions of learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

6. Considering the facts and circumstances, the petitioner is directed to give a fresh representation along with a copy of this order to respondent within a period of two weeks, from the date of receipt of a copy of this order. On receipt of the same, the respondent is directed to consider the same and pass appropriate order, within a period of two weeks thereon, after affording opportunity of personal hearing to the petitioner with regard to the registration of the document or otherwise pass an appropriate order by assigning valid reason.

7. The writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

mrp

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

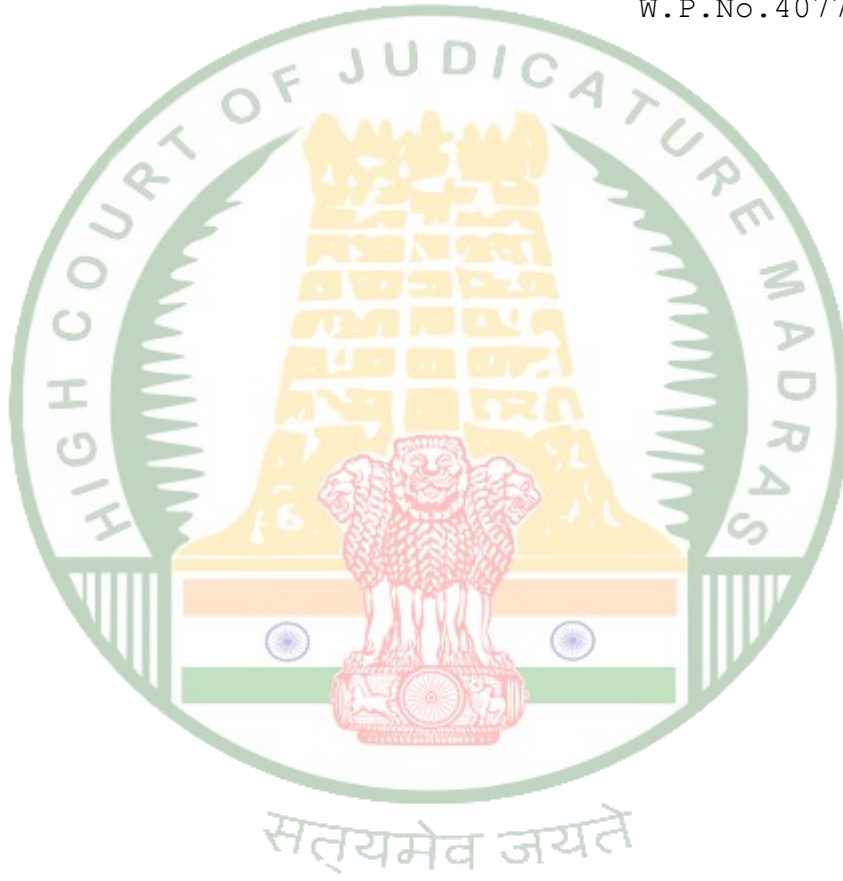
To

The Sub-Registrar,  
Office of the Sub-Registrar,  
Virugambakkam,  
Chennai.

+ 1 cc to Mr.S.M.Loganathan, Advocate SR 25611

bvr(co)  
prk28/4

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