

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

Writ Petition No.17555 of 2013

Ramesh Paramasivan

... Petitioner

Vs

1. The Sub Registrar,
Ganapathy,
Coimbatore 641 006.

2. Tamil Nadu Housing Board,
Rep. By its Managing Director,
Nandanam, Madras - 35.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the records pertaining to the impugned Check Slip passed by the first respondent dated NIL and Reference NIL and informing the petitioner of the return of the deed of power of attorney dated 26.04.2013 executed by the petitioner in favour of Mr.G.Zakir Hussain, quash the same and consequently direct the first respondent to register and return the same to the petitioner or his power agent appointed under the deed.

For Petitioner : Mr.P.K.Rajagopal

For Respondents : Mr.R.Govindasamy,
Special Government Pleader for R1

Mr.V.Anandamurthy
Standing Counsel for R2

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O R D E R

The petitioner is an allottee of MIG House bearing plot No.1049 of Ganapathy Neighbourhood Scheme, Coimbatore, since, he is the resident of Coimbatore. He had executed a deed of Power of Attorney dated 26.04.2013 for the purpose of facilitating the execution of a sale deed in his favour from the Tamil Nadu Housing Board. When the said Power of

Attorney was presented before the first respondent, a check slip was issued stating that since the petitioner was only an allottee of a housing board plot, the said deed of Power of Attorney cannot be registered. Challenging the same, the petitioner has come before this Court with the present Writ Petition.

2. Heard, Mr.P.K.Rajagopal, learned counsel for the petitioner, Mr.Govindasamy, learned Special Government Pleader appearing on behalf of the first respondent and Mr.Anandamurthy, learned Standing Counsel appearing on behalf of the second respondent.

3. On a bare perusal of the powers given by the Power of Attorney, it is clear that the intention of the principal in the said deed is only to employ a Power Agent to liaison with the Housing Board, for the purpose of sale, executed in his favour. There is no clause in the deed of Power of Attorney, which transfers any title over the subject land. As such there is no impediment on the part of the first respondent to have the said power deed registered.

4. Under such circumstances, the petitioner is permitted to re-present the Deed of Power of Attorney, dated 26.04.2013 before the first respondent and on such re-representation, the first respondent shall register the same in accordance of the provisions of the Registration Act, within a period of four weeks from the date of receipt of such representation. It is made clear that the power agent shall not claim any right to his title on the basis of the registered power deed.

5. With these observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vsi2

To

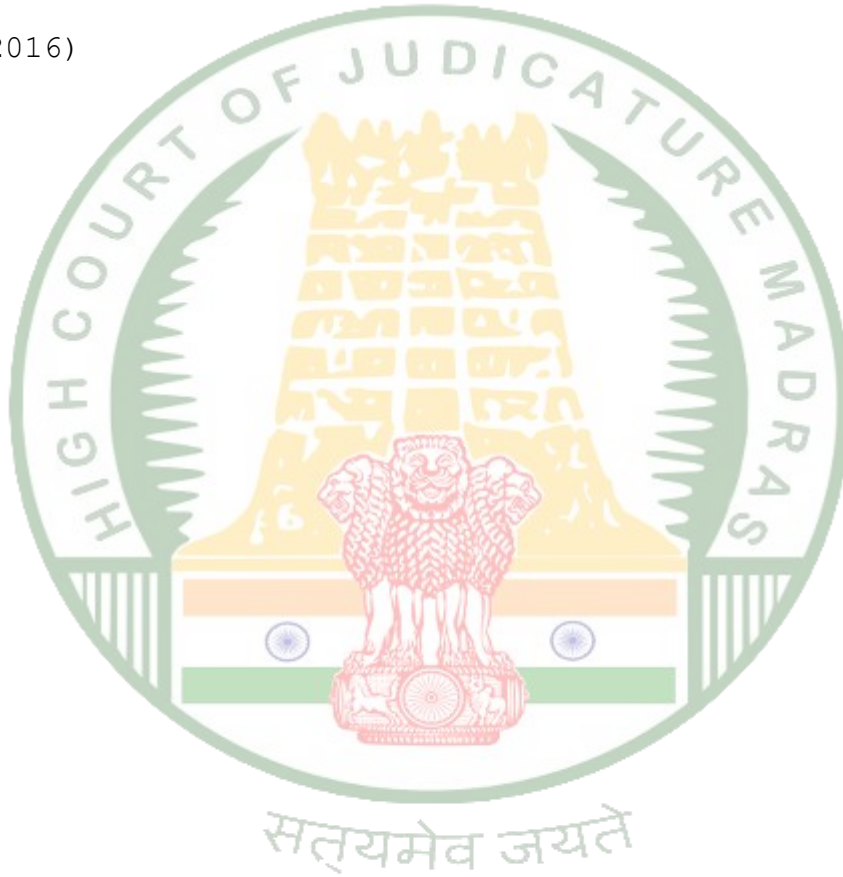
1. The Sub Registrar,
Ganapathy,
Coimbatore 641 006.

2. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Madras - 35.

+1cc to Mr.P.K.Rajagopal, Advocate, S.R.No.66485
+1cc to Mr.V.Anandamurthy, Advocate, S.R.No.67146
+1cc to the Government Pleader, S.R.No.67108

W.P.No.17555 of 2013

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