

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7722 of 2016

S.Balasubramanian

... Petitioner

Vs.

The Sub Registrar,
Registration Office,
Dharmapuri West,
Dharmapuri.

... Respondent

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified mandamus, to call for the records relating to the impugned order of the respondent dated 30.12.2015 under return memo, quash the same and consequently direct the respondent to register the document of power deed presented on 28.12.2015 by the petitioner and to release the documents upon its due registration forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.M.Dig Vijaya Pandian, AGP

O R D E R

This Writ Petition has been filed, praying for the issuance of a writ of Certiorarified mandamus, to call for the records relating to the impugned order of the respondent dated 30.12.2015 under return memo, quash the same and consequently direct the respondent to register the document of power deed presented on 28.12.2015 by the petitioner and to release the documents upon its due registration forthwith.

2. According to the petitioner, he is the adopted son of one Ranganayaki, who executed a Will in his favour in respect of the property situated in Survey No.261/3 of Velle Goundan Palayam, Dharmapuri town, measuring an extent of 8400 sq.ft. The said will was duly registered as Document No.4407 of 1986 on the file of the Joint Sub Registrar Office No.II, Dharmapuri. The said Ranganayaki died on 21.12.1988 leaving behind the petitioner as her

only legal representative to inherit her estate. The Tahsildar, Dharmapuri has also issued a legal heirship certificate dated 23.3.1989 certifying that the petitioner is the adopted son of Ranganayaki. Pursuant to the above said Will, the petitioner, being the beneficiary of the Will, has acquired title over the property. Subsequently, the petitioner executed a power of attorney in favour of one Krishnamurthy, S/o Ellappan and the same was presented for registration before the respondent herein. However, the respondent refused to register the same by memo dated 30.12.2015 on the ground that the petitioner has not produced any document showing his possession over the property and other details, such as town survey number, block number, etc. and hence, the property could not be identified. Hence, the petitioner has come forward with the present writ petition.

3. When the matter is taken up for consideration, the learned counsel for the petitioner has invited the attention of this Court to the Will executed by his mother, dated 28.8.1986 and submitted that in the Will, schedule of the property has been clearly mentioned with all details and also in the Deed of Power of Attorney also, schedule of the property was given and irrespective of the same, the respondent has passed the impugned order, which cannot be sustained.

4. Considering the above stated facts and circumstances and submissions made by the learned counsel for the petitioner, the petitioner is directed to submit a fresh application along with all particulars in respect of identity of the property which are necessary for registration of the Deed of Power of attorney, dated 28.12.2015 to the respondent and on such submission, the respondent is directed to conduct enquiry and proceed in accordance with law, within a period of six weeks from the date of receipt of the application.

The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

suk

To

The Sub Registrar,
Registration Office,
Dharmapuri West,
Dharmapuri.

1 cc to M/s.C. Prabakaran, Advocate, Sr. 14555
1 cc to Government Pleader, Sr. 14663

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AK (CO)
kk 30/3



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