



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Twenty Ninth day of March Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice S.MANIKUMAR
and
The Hon`ble Mr.Justice C.T.SELVAM

CMP(MD) No.766 of 2016
IN
WA(MD) No.SR3519 of 2016

MURUGESAN ... 3rd party/Appellant

Vs

1 V.PRABU

2 THE INSPECTOR GENERAL OF REGISTRATION,
NUNGAMBAKKAM, CHENNAI.

3 THE SUB REGISTRAR,
O/O. THE SUB REGISTRAR,
VELIPATTINAM,
RAMANATHAPURAM DT.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant leave to file an appeal as against the order passed by this Honourable Court in WP(MD) NO. 23102/2015 on 04/01/2016.

PRAYER IN WA(MD).SR.NO.3519/2016: Writ Appeal is filed under clause 15 of Letters patent Act against the order dt.04.01.2016 in WP(MD). No.23102/2015.

Prayer in WP(MD). 23102/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified mandamus calling for the records pertaining to the Impugned order dated 17.11.2015 passed by the 2nd Respondent in his Proceedings Memo No.5/2015 and quash the same and consequently direct the 2nd Respondent to register the Sale deed dated 16.11.2015 executed by the petitioner in favour of V.Paulraj, S/o. Veluchamy.

ORDER : This Miscellaneous petition coming on for orders upon perusing the petition and the affidavit filed in support thereof on the file of the High Court and upon hearing the arguments of



Mr.KARTHICK SUBRAMANIAN, Advocate for the petitioner and of MR.A.K.BASKARAPANDIAN, Special Government Pleader for the respondents 2 & 3 and this court made the following order:

(Order of the Court was made by **S.MANIKUMAR,J.**)

Third party, and the proposed appellant, who has filed the present petition C.M.P.(MD).No.766 of 2016 seeking leave to challenge the order made in W.P.(MD).No.23102 of 2015, dated 04.01.2016, has contended that he is the power agent of the original owner of the subject property, for which a sale deed, dated 16.11.2015, has been submitted for registration, and declined by the order, dated 17.11.2015, of the Sub Registrar, Velipattinam, Ramanathapuram District. When the correctness of the order, dated 17.11.2015, was tested in W.P.(MD).No.23102 of 2015, this Court vide order, dated 04.01.2016, set aside the order and consequently, directed the Sub Registrar to register the same, if there is no other impediment. He has further contended that by virtue of the order made in the said writ petition, the petitioner, who is the power of attorney of the original owner, is aggrieved and thus leave is sought for.

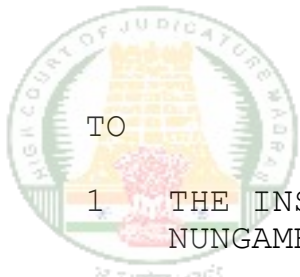
2. During the course of hearing, Mr.Karthick Subramanian, learned counsel for the proposed party, brought to the notice of this Court that the Inspector General of Registration, Nungambakkam, Chennai and the Sub Registrar, Velipattinam, Ramanathapuram District, respondents in the writ petition have already challenged the order passed by the Writ Court and that stay has been granted.

3. Persons in whose favour document has been executed is entitled to submit the same for registration. It is for the registering authority to consider, as to whether such document presented for registration satisfies the requirement of the laws of registration including adequacy of payment of stamp duty. When the said registering authority has declined to register the document, the same has been tested and orders have been passed. If the petitioner has right over the property, he has to take recourse only under the civil law. In such view of the matter, we are not inclined to grant any leave to file a separate appeal by the petitioner, who claims to be a power of attorney of the original owner. Accordingly, this petition to grant leave is rejected.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar



TO

1 THE INSPECTOR GENERAL OF REGISTRATION,
NUNGAMBAKKAM, CHENNAI.

2 THE SUB REGISTRAR
O/O. THE SUB REGISTRAR,
VELLIPATTINAM, RAMANATHAPURAM DT.

ORDER

CMP (MD) No.766 of 2016

IN

WA (MD) No.SR3519 of 2016

Date :29/03/2016

Rejecting this Petition made in
CMP (MD).No.766/2016 etc as stated
within.

AA/AAL-MPA/AR-I/13.04.2016/3p-3c