

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.11084 of 2017

K.Balasundaram

.. Petitioner

-vs-

The Sub-Registrar,
T.Nagar,
18/37, Veterinary Hospital Road,
Nandanam, Chennai-35

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, calling upon the respondent herein a Public Authority to discharge his statutory duty under Section 91 of Registration Act, 1908 by securing the return of the original register viz., Book IV Volume 212 which should be maintained permanently at his office since it contains the registered General Power of Attorney dated 02.08.1995 bearing Doc.No.880 of 1995 Book IV Volume 212 registered in the office of the S.R.O., T. Nagar among other similarly registered documents and furnish duly certified copy of the said document as applied for on 05.05.2016 by the petitioner.

For Petitioner : Mr.A.R.Pradeep

For Respondent: Mr.P.P.Purushothaman,
Government Advocate

ORDER

Mr.K.Balasundaram, the petitioner herein, has come to this Court for issuance of a Writ of Mandamus, calling upon the respondent herein to discharge his statutory duty under Section 91 of the Registration Act, 1908 by securing the return of the original register viz., Book IV Volume 212 which should be maintained permanently at his office since it contains the registered General Power of Attorney dated 02.08.1995 bearing Doc.No.880 of 1995 Book IV Volume 212 registered in the office of the S.R.O., T. Nagar among other similarly registered documents and furnish duly certified copy of the said document as applied for on 05.05.2016 by the petitioner.

2. It is the claim of the petitioner that the agricultural (Nanjai) land comprised in S.No.773 of No.74, Kundrathur Village, Sriperambudur Taluk, Chenglepet District measuring 1 acre 29 cents belonging to 1. Shri V.Sukumar, son of S.V.S. Mani, resident of Flat No.17, R.K.Shanmugham Salai, K.K.Nagar, Chennai-78, 2. Shri N.Ramalingam, son of Late M.Nataraja Mudaliar resident of Flat No.4, Cenotaph Road, 1st Street, Teynampet, Chennai and 3. Shri V.G.Ramasamy, son of Late V.G.Gajaraja Mudaliar resident at Hari Balaji, No.64/1, Shri Thyagaraja Road, Chennai, having purchased the said property from its previous owner Mr.M.Chockalingam, son of Munusamy under a Registered Sale Deed bearing Document No.1034 of 1990 dated 29.03.1990. The said owners of the property subsequently executed a Registered General Power of Attorney in favour of the petitioner which is still valid and subsisting having not been altered or cancelled by the principals and the Original Power of Attorney dated 02.08.1995 registered as Document No.880 of 1995 is also in his custody.

3. It is further claim of the petitioner that on the basis of the registered General Power of Attorney, the petitioner exercised his right to sell the property in favour of Mr.J.Dilip Kumar Mootha, son of Late Jawaharlal Mootha, Hindu, residing at Plot No.91, 9th Floor, Ankur Grand Apartments No.252-254, Poonamallee High Road, Kilpauk, Chennai-10 and after negotiation, the petitioner received the entire sale consideration from the said purchaser. Only then, the petitioner realized that the Original Registered General Power of Attorney was inadvertently misplaced and was not readily available with him to be produced before the concerned Registering Authority for completion of the sale transaction conveying the above property to the purchaser Mr.J.Dilip Kumar Mootha. Hence, the petitioner made a copy application in proper form dated 05.05.2016 to furnish a certified copy of the said power of attorney dated 02.08.1995 in his favour so as to complete the sale transaction in favour of the intending purchaser. Since there is no response for the same, the petitioner is before this Court with this Writ Petition.

4. When the matter was taken up for hearing, learned Government Advocate appearing for the respondent stated that since the said document was already deposited with the learned VI Assistant Judge, City Civil Court, Chennai in respect of O.S.No.194/2010, the request of the petitioner could not be considered. Now the said paper has been received back by the respondent and the copy is also readily available. Therefore, now it is open to the petitioner to approach the Office of the Sub-Registrar, T.Nagar on making fresh application.

5. In view of the submission of the learned Government Advocate appearing for the respondent, the petitioner is directed to make a fresh application seeking a copy of the power of attorney dated 02.08.1995 within a period of one week

from the date of receipt of a copy of this Order and on receipt of any such application, the same be furnished to the petitioner on payment of necessary charges within a period of one week thereafter.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

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To

The Sub-Registrar,
T.Nagar,
18/37, Veterinary Hospital Road,
Nandanam, Chennai-35

+1cc to Mr.A.R.Pradeep, Advocate SR.No.97389

+1cc to Government Pleader SR.No.98437

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PA(CO)
GMY(03/01/2020)

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