



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.17522 of 2019

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S.Gopperunthevi

...Petitioner

-Vs-

1.The District Registrar,
Ariyalur Registration District,
Ariyalur, Trichy.

2.The Sub Registrar,
Sub Registrar Office,
Lalkudi,
Ariyalur Registration District,
Trichy District.

3.The Tahsildar,
Lalkudi Taluk,
Lalkudi.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent herein to accept the deed of general power attorney dated 17.07.2019 executed by the petitioner in favour of K.J.Kannan and S.Suresh and register the same, within a time stipulated by this Court.

For Petitioner : Mr.M.Vallinayagam, Senior counsel
for Mr.D.Nallathambi

For Respondents : Mr.M.Murugan, G.A.

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 2nd respondent herein to accept the deed of general power of attorney dated 17.07.2019 executed by the petitioner in favour of K.J.Kannan and S.Suresh and register the same, within a time stipulated by this Court.

2.Heard Mr.M.Vallinayagam, learned Senior Counsel appearing for Mr.D.Nallathambi, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents..



3.The petitioner seems to have given documents for registration along with general power of attorney deed dated 17.07.2019 and the said power of attorney dated 17.07.2019 has not been accepted by the 2nd respondent and on that ground, the documents submitted for registration were not accepted. However, no orders have been passed. Therefore, the petitioner has given representation on 23.07.2019 to the 2nd respondent to accept the said power of attorney deed and accordingly, do the needful to register the documents in question. However, the said representation since has not been considered so far, the petitioner is before this Court.

4.The learned Senior Counsel appearing for the petitioner would submit that, if the said representation of the petitioner dated 23.07.2019 is directed to be considered by the 2nd respondent on merits and in accordance with law and a decision is directed to be taken, within a time frame and accordingly, if the 2nd respondent is directed to act upon, the petitioner would be satisfied.

5.I have heard the learned Government Advocate appearing for the respondents, who would submit that, as per the instructions, it seems that, some objections seems to have been made by the Village Administrative Officer not to register the documents based on the power of attorney deed submitted by the petitioner. Be that as it may, insofar as the submission of the power of attorney dated 17.07.2019 is concerned, for what reason, the document has not been registered or if the power of attorney is the reason for not registering the document for registration or any other reason attached with, that would be revealed by the 2nd respondent and in that respect, the representation of the petitioner dated 23.07.2019 would be considered and suitable order would be passed thereon either way, within a time frame.

6.Having regard to the said submissions made by the learned counsel for both sides and taking into account the factual matrix of this case, this Court is inclined to dispose of this writ petition, with the consent of both the parties, at the stage of admission itself, with the following direction:

"The 2nd respondent is hereby directed to consider the representation of the petitioner dated 23.07.2019 and pass orders thereon, on merits and in accordance with law. While deciding the said representation, the 2nd respondent shall take into account the power of attorney deed submitted by the petitioner in support of his claim for registering the document in question and whatever reason sustainable on the part of the respondents to refuse or not to entertain the document to be registered in favour of the petitioner, that shall be revealed in writing by passing the order and such needful shall be undertaken by the 2nd respondent, within a period of 2 weeks from the date of receipt of a copy of this order".



7. With the above direction, this writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CO)

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// True Copy //

Sub Assistant Registrar (CS)

Arul

To

1. The District Registrar,
Ariyalur Registration District,
Ariyalur, Trichy.
2. The Sub Registrar,
Sub Registrar Office,
Lalkudi,
Ariyalur Registration District,
Trichy District.
3. The Tahsildar,
Lalkudi Taluk,
Lalkudi.

+1CC TO MR.D.NALLATHAMBI, Advocate Sr. No.96813
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 81153

Order made in
W.P. (MD) No.17522 of 2019

Dated:
08.08.2019

DB (CO)
TR (29.11.2019) 3P 6C