

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.17481 of 2020

J. Mallika

... Petitioner

Vs.

1. Inspector General of Registration,
Santhome, Mylapore,
Chennai-5.

2. District Registrar,
Combined Registration Building,
Rengampalayam,
Erode-3.

3. Joint Registrar No.1,
Combined Registration Building,
Rengampalayam, Erode-3

4. Ramesh Kumar .. Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the impugned letter bearing no.12049/2020 dated 22.10.2020 passed by the 2nd respondent and quash the same and further direct the 2nd respondent to register the power of attorney in pending document No.108/2020 and return the document to the petitioner after completing all the formalities of registration.

For Petitioner : Mr.M.V.Venkataseshan

For Respondents: Mr.T.M.Pappiah, Spl.Govt.Pleader- R1 to R3

O R D E R

On consent given by either side, the main Writ Petition itself is taken up for final hearing.

2. This Writ Petition has been filed challenging the impugned refusal check slip dated 22.10.2020 issued by the 3rd respondent refusing to register the General Power of Attorney dated 22.10.2020.

3.The case of the petitioner is that the subject property originally belonged to her husband, herself and her daughters . A Power of Attorney was executed on 22.10.2020. The 4th respondent seems to have filed a suit in O.S.No.287 of 2019 and hence the 3rd respondent refused to register the Power of Attorney that was presented for registration. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. Heard Mr.M.V.Venkataseshan, learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Govt. Pleader appearing for the respondents 1 to 3.

5. It is seen from the records that the Power of Attorney was presented for registration along with all the necessary documents and the same was refused to be registered only on the ground that there is a suit that is pending in O.S.No.287 of 2019 filed by the 4th respondent claiming for the relief of partition. In the considered view of this court, a document can never be refused to be registered merely on the ground that a suit is pending before the Court. Even if the document is registered and the property is conveyed,. any such conveyance, will be subject to the result of the suit. In the present case, what was sought to be registered was only a Power of Attorney and therefore, the 3rd respondent ought not to have refused to register the document only on the ground that there is a pending suit .

6. In view of the above discussion, the impugned refusal slip issued by the 3rd respondent dated 22.10.2020 is hereby quashed and there shall be a direction to the 3rd respondent to register the Power of Attorney document, if it is otherwise in order and the necessary stamp duty and registration fees is paid.

7. This Writ Petition is disposed of with the above directions. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

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Sub Assistant Registrar

msr

To

1. Inspector General of Registration,
Santhome, Mylapore, Chennai-5.

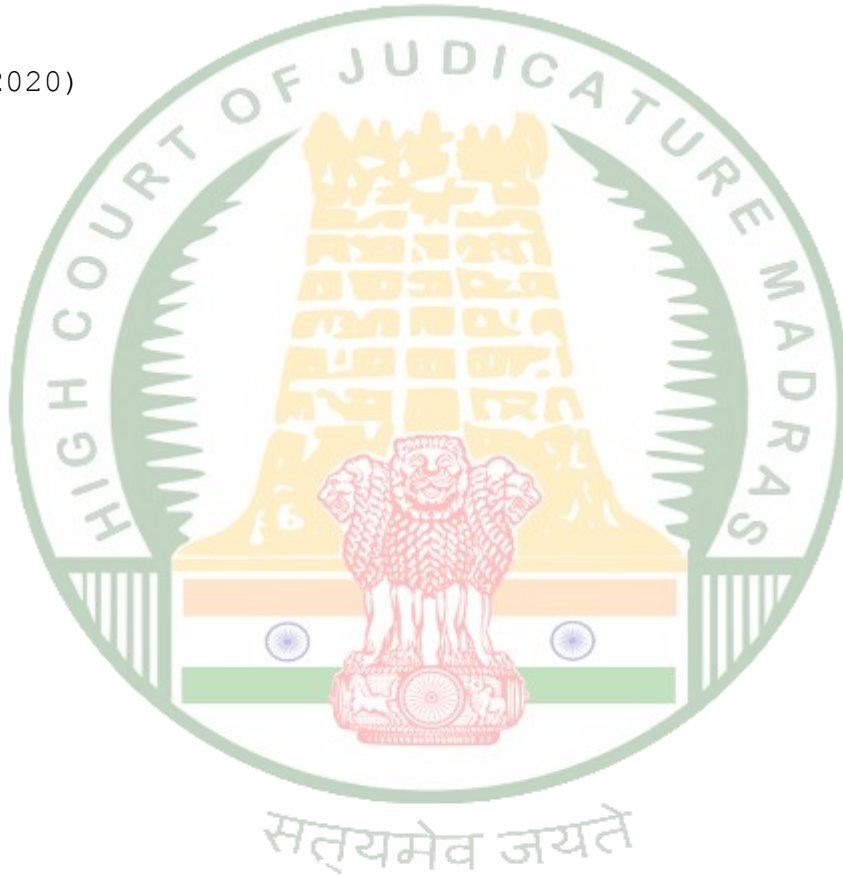
2. District Registrar,
Combined Registration Building,
Rengampalayam, Erode-3.

3. Joint Registrar No.1,
Combined Registration Building,
Rengampalayam, Erode-3.

+1cc to the Government Pleader, S.R.No. 40387.

W.P.No.17481 of 2020

SVI (CO)
GN(18/12/2020)



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