



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.NO.27314 OF 2012

Padma

...Petitioner

Vs

1. The Sub Registrar,
The Sub Registrar's Office,
Sembium,
Chennai 600 011

2. Balachandran
(R2 impleaded as per order dated
09.11.2012 in MP.No.1 of 2012 in
WP.No.27314 of 2012)

...Respondents

Prayer :-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the concerned records relating to the order dated 26.09.2012 passed by the respondent and quash the same and consequently direct the respondent to register the settlement deed executed by the petitioner on 26.09.2012.

For Petitioner : Mr.M.Gnanasekar

For Respondents

For R1 : Mr.M.R.Gokul Krishnan,
Government Advocate

ORDER

This Writ Petition is filed to issue a writ of certiorarified mandamus calling for the concerned records relating to the order dated 26.09.2012 passed by the first respondent and quash the same and consequently direct the first respondent to register the settlement deed executed by the petitioner on 26.09.2012.

2. The case of the petitioner is that she executed settlement deed in favour of her grand daughter dated 26.09.2012 and presented for registration before the first respondent



herein. Before execution of the settlement deed, the petitioner has executed power of attorney in favour of one, Devarajan registered vide document No.1363 of 2004. However, subsequently it was cancelled on 14.07.2004 and registered as document No.1406 of 2004 on the file of the first respondent herein. However, the said power holder, Devarajan executed sale deed on 14.08.2004 in favour of third party and registered vide document No.6443 of 2004. Even then, the first respondent refused to register the document and returned the same.

3. Even in the impugned order, the first respondent mentioned that the power of attorney executed by the petitioner dated 07.07.2004 was subsequently cancelled on 14.07.2004 vide document No.1406 of 2004. Therefore, subsequent to the cancellation of the power of attorney, the power holder executed sale deed on 14.08.2004. In the said circumstances, the first respondent without conducting any enquiry simply refused to register the document for the above said reason. As such, the impugned order is liable to be set aside.

4. Accordingly, the impugned order dated 26.09.2012 is set aside and the writ petition is allowed. The first respondent is directed to issue notice to the petitioner and the purchaser i.e. C.Balachandran vide document No.6443 of 2004 and conduct enquiry after giving opportunity of hearing and pass orders on merits and in accordance with law in respect of registration of the settlement deed executed by the petitioner within a period of twelve weeks from the date of receipt of copy of this order. No order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

lok

Sub Assistant Registrar

To

The Sub Registrar,
The Sub Registrar's Office,
Sembium, Chennai 600 011

+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.52307
+1cc to the Government Pleader, S.R.No.52799

WP.No.27314 of 2012

(CO)
PM/01/11/2021