

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.33678 of 2017

S.A.Mohammed Ibrahim

...Petitioner

-Vs-

1. The District Registrar
Registration Department,
Puducherry.

2. The Sub-Registrar
Puducherry Town,
Puducherry.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner Appeal dated 13.10.2017 to receive and register the document pertain to the General Power of Attorney, dated 12.10.2017 executed by the petitioner in the light of Rule 55 of the Pondicherry Registration Rules.

For Petitioner : Mr.T.Dharani

For Respondents : Mr.B.Nambiselvan
AGP (Puducherry)

O R D E R

The prayer sought for herein is for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner Appeal dated 13.10.2017 to receive and register the document pertain to the General Power of Attorney, dated 12.10.2017 executed by the petitioner in the light of Rule 55 of the Pondicherry Registration Rules.

2. It is the case of the petitioner that, the petitioner claimed to have become sick, wanted to execute a power of attorney in favour of two persons, namely one Asrappunisa, another is Hari Ramalal Rao. Accordingly, a power has been executed on 12.10.2017 and when the same was submitted before the respondents, especially the second respondent for registration, it is the claim of the petitioner that, the second respondent has refused to receive and register the same and he rejected the same orally without assigning any reason.

3. As against the said alleged action on the part of the second respondent, the petitioner claimed that, he has given Appeal to the Director of Registration, Puducherry and a copy of the same marked to the first respondent, i.e., the District Registrar, Puducherry on 13.10.2017. However, the said appeal also since has not been considered and no order has been passed, the power of attorney in question has not been registered by the second respondent, the petitioner had approached this Court by filing the present writ petition with the aforesaid prayer.

4. Heard Mr.T.Dharani, learned counsel appearing for the petitioner who having reiterated the aforesaid facts seeks indulgence of this Court to give suitable direction to the first respondent to decide the appeal on merits within a time frame and by which, a direction can be given by the first respondent to the second respondent to register the document in question within a time frame.

5. Heard Mr.B.Nambiselvan learned Additional Government Pleader appearing for the respondents, who would submit that, if at all any appeal has been filed on 13.10.2017 as claimed by the petitioner to the first respondent, the same would be considered and decided on merits within a time frame.

6. In view of the said submission made by both sides and taking into account the inacquous nature of the prayer sought for herein, this Court is inclined to pass the following order :

That there shall be a direction to the first respondent to take up the Appeal, dated 13.10.2017 filed by the petitioner and decide the same on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. If ultimately the first respondent comes to a conclusion that, the Appeal of the petitioner can be allowed, suitable direction can be given by the first respondent to the second respondent to register the document in question, of course if the same is otherwise in order, within a time frame,

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

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

tsvn

To

1. The District Registrar
Registration Department,
Puducherry.

2. The Sub-Registrar
Puducherry Town,
Puducherry.

+1 CC to M/s.T. Dharani, Advocate sr 24159

+1 CC to Government Pleader, Puducherry sr 24091.

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SP(19/05/2021)



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