



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2021

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. (MD)No.14524 of 2021

and

W.M.P. (MD)No.11466 of 2021

WEB COPY

T.Maheswari

... Petitioner

vs.

1.The District Registrar,
District Registrar Office,
Tiruchirappalli,
Tiruchirappalli District.

2.The Sub Registrar,
Sub Registrar Office,
Woraiyur, Tiruchirappalli District.

3.K.M.A.Jinnah

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the second respondent in its impugned proceedings in the Cheque Slip No.29/2020, dated 31.07.2020 and to set aside the same and consequently, to direct the second respondent to register that the petitioner's settlement deed and to decide the same on merits and in accordance with law.

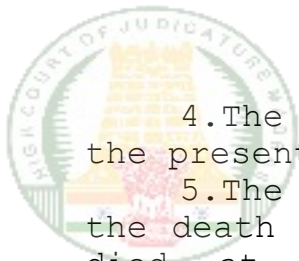
For Petitioner	:Mr.K.Prapakaran
For R1 and R2	:Mr.S.Kameswaran
	Government Advocate
R3	:Died

O R D E R

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking to interfere with the recording of the second respondent in Check Slip No.29/2020, dated 31.07.2020 and to set aside the same and to direct the second respondent to register the settlement deed presented by the petitioner.

2.Heard Mr.K.Prapakaran, learned Counsel for the petitioner and Mr.S.Kameswaran, learned Government Advocate for Respondents 1 and 2.

3.By way of the check slip, the second respondent had stated that there was a power of attorney document, which had already been registered and therefore, the settlement deed presented by the petitioner cannot be registered.



4.The power agent had been impleaded as the third respondent in the present Writ Petition.

5.The learned Counsel for the petitioner forwarded a copy of the death certificate of the third respondent/K.M.A.Jinnah, who had died at Apollo Hospital, Old Pallpannai Road, Madurai, on 16.11.2021. The statement of the learned Counsel for the petitioner is recorded.

6.In view of this particular fact, a direction is issued to the second respondent to re-examine the refusal to register of the settlement deed presented by the petitioner, since by death of the third respondent/power agent, the power of attorney has become non est in the eyes of law and has become a nullity.

7.The petitioner may again approach the second respondent seeking registration of the settlement deed and on presentation of the settlement deed, the second respondent is under an obligation to register the said document, if it is otherwise in order, within a period of ten working days from the date of presentation. The second respondent is further under an obligation to examine whether the property will come under the properties listed under Section 22A of the Registration Act and then take a decision with respect to the registration or non registration of the document.

8.With the said observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

1.The District Registrar,
District Registrar Office,
Tiruchirappalli,Tiruchirappalli District.

2.The Sub Registrar,
Sub Registrar Office,
Woraiyur, Tiruchirappalli District.

+1 CC to M/s.K.PRABHAKARAN, Advocate (SR-40431[F] dated 27/12/2021)

+1 CC to M/s.SPL GP (SR-40448[F] dated 27/12/2021)

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