



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15489 of 2021

WEB COPY

P.Lingam

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
District Court Campus,
Trichy-1,
Trichy District.

2.The Sub-Registrar,
Thiruverumbur Sub-Registrar's Office,
Thiruverumbur,
Trichy District.

3.The Inspector of Police,
Anti Land Grabbing Special Wing,
District Police Office,
TVS Tollgate,
Trichy-20,
Trichy District.

4.Pichaiyadhav

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, calling for the records relating to second respondent proceedings made in impugned check slip No.15/2021, dated 03.08.2021, quash the same and further direct the second respondent to register and release the General Power of Attorney Deed, dated 22.07.2021, which has been presented by the petitioner before him, within the stipulated period.

For Petitioner : Mr.R.Sundar

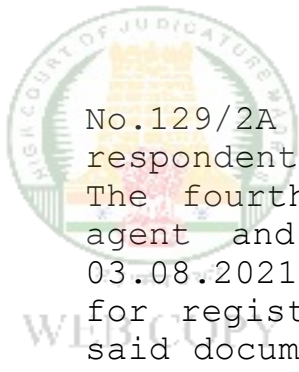
For Respondents : Mr.P.Subbaraj

Counsel for the State fro R1 to R3

ORDER

The petitioner challenges a refusal cheque slip dated 03.08.2021 of the second respondent seeks a consequential direction for the registration of the general power of attorney deed dated 22.07.2021.

<https://hcservices.courts.gov.in/hcservices/> The petitioner states that the property bearing SF



No.129/2A of an extent of 30 cents was purchased by the fourth respondent herein under a registered sale deed dated 28.12.2001. The fourth respondent decided to appoint the petitioner as his agent and therefore executed a power of attorney deed dated 03.08.2021. Upon submission of such deed to the second respondent for registration, the second respondent refused to register the said document and communicated the reasons for such refusal by the impugned order dated 03.08.2021. The present writ petition is filed challenging such order.

3. Learned counsel for the petitioner refers to the FIR registered at the instance of the complainant, Kumar. From the statement of such complainant, it is pointed out that the complainant admitted that his father, Thirupathi, and his grandfather, Chandrakasu Udaiyar, jointly executed a sale deed in 1984 as regards 30 cents only in favour of Chinna Nayakar. On such basis, it is contended that the complaint made by the complainant does not relate to the said 30 cents of land. The registered sale deed dated 28.12.2001 in favour of the fourth respondent is also referred to so as to demonstrate that the fourth respondent purchased the property from the successor-in-interest of the late Chinna Nayakar to whom the complainant's father and grandfather sold the property. Consequently, it is contended that the reason set out in the impugned cheque slip, which is issued on the basis of the aforesaid FIR and the proceedings relating thereto, is not a valid ground to refuse to register the document submitted by the petitioner and the fourth respondent.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. From the power of attorney deed dated 22.07.2021, it is clear that the fourth respondent herein is the principal who executed the power of attorney deed in favour of the petitioner. As such, the interest of the fourth respondent and the petitioner are aligned and it is not necessary to issue notice to the fourth respondent.

5.Upon perusal of the statement of the complainant, as recorded in the FIR, it appears that he has excluded 30 cents of land in SF No.129/2A from the scope of such complaint. As such, the impugned order, which cites the proceedings relating to such FIR as the only reason for refusing to register the document cannot be sustained. Nevertheless, the second respondent may have to take into account all the material facts and documents before taking a decision upon re-submission of the document for registration.

6.Accordingly, the impugned order 03.08.2021 is quashed. As a corollary, the petitioner is permitted to re-submit the general power of attorney deed for registration along with all relevant



documents. Such re-submission shall be done within a period of 2 weeks from the date of receipt of copy of this order. Upon receipt thereof, the second respondent is directed to reconsider the application for registration by taking into account all relevant documents, the statement of the complainant in the FIR, etc. Upon such reconsideration, the second respondent is directed to pass a reasoned order on the request for registration within a period of 30 days from the date of receipt of the re-submitted documents

7. W.P.(MD).No.15489 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Registrar,
District Registrar Office,
District Court Campus,
Trichy-1,
Trichy District.
 - 2.The Sub-Registrar,
Thiruverumbur Sub-Registrar's Office,
Thiruverumbur,
Trichy District.
 - 3.The Inspector of Police,
Anti Land Grabbing Special Wing,
District Police Office,
TVS Tollgate,
Trichy-20,
Trichy District.
- +1 CC to M/s.SPL GP (SR-27905[F] dated 02/09/2021)

W.P(MD)No.15489 of 2021
01.09.2021