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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.10916 & 10923 of 2022

1. Kannammal
2. Sundaram
3. Karunaiprakasam ... Petitioners in both W.Ps

Vs.

The Sub-Registrar,
Dharapuram Sub-Registrar Office,
Tiruppur District. ... Respondent in both W.Ps

Prayer in W.P.No.10916 of 2022: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the return check slip issued by the respondent in RFL/Dharapuram/15/2022 dated 01.04.2022 and quash the same and consequently direct the respondent to register the General Power of Attorney dated 01.04.2022, presented by the petitioners for registration.

Prayer in W.P.No.10923 of 2022: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the return check slip issued by the respondent in RFL/Dharapuram/16/2022 dated 01.04.2022 and quash the same and consequently direct the respondent to register the General Power of Attorney dated 01.04.2022, presented by the petitioners for registration.

For petitioners : Mr.S.Saravanan (in both W.Ps)

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader
(in both W.Ps)



COMMON ORDER

The petitioners have filed these petitions for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the return check slips issued by the respondent in RFL/Dharapuram/15/2022 and RFL/Dharapuram/16/2022 dated 01.04.2022 and quash the same and consequently direct the respondent to register the General Power of Attorney dated 01.04.2022, presented by the petitioners for registration.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondent. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioners is that the petitioners presented a document on 01.04.2022 for executing general Power of Attorney in favour of one Nattuthurai, before the respondent. However, the said document was refused to be registered by the respondent on the ground that parent document was not annexed along with the document which is presented for registration. Challenging the same, present Writ Petitions have been filed by the petitioners for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioners submitted that, it would suffice, if this Court permits the petitioners to produce the certified copy of the parent document and enable the Registering Authority to compare the same with the revenue records. He further relied upon the decision of this Court in W.P.(MD)No.19745 of 2020, order dated 11.02.2021. The relevant portion of the above said order is extracted hereunder:-

"8.This Court is entirely in agreement with the submissions made on behalf of the petitioner in this regard. The latest decision of the learned Single Judge appears to have not considered the implication of the Circular with reference to the scheme of the relevant Act. On the other hand, the above three decisions cited on behalf of the petitioner would certainly hold the field and in which event, insistence on production of original Title Deeds by the Registering Authority is without any authority of law. The Circular issued by the Inspector General of Registration, Chennai in this regard cannot have any sanctity, unless the power of issuance of such Circular is authorized under the provisions of the



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Act. This Court has consistently held that no such power can be read into Act, in the absence of any specific provisions and in that view of the matter, as rightly contended by the learned Counsel for the petitioner, the subject issue is no more res-integra. As far as the latest decision of the learned Single Judge is concerned, being a kind of a contra view, this Court is of the opinion that the order passed by the learned Single Judge of this Court in W.P.(MD)No.16768 of 2020, dated 26.11.2020 has not appreciated the provisions of the Act, as the reasons of the learned Single Judge are contrary to the well considered earlier Judgments of this Court. The learned Judge has reasoned without any specific reference to the scheme of the Act, which governs the registration."

5. The learned Special Government Pleader appearing for the respondent submitted that the document presented by the petitioner was rejected by the respondent on the ground that parent document was not annexed along with the document.

6. In view of the decision of this Court in W.P.(MD)No.19745 of 2020, order dated 11.02.2021, makes it clear that, there is no need to present the parent document, certified copy of the parent document is sufficient to entertain the document for registration.

7. Accordingly, these writ petitions are allowed, the impugned orders are set aside and the petitioners are directed to produce relevant documents along with the certified copy of the parent document before the respondent. On such production, the respondent is directed to entertain the same and pass appropriate orders, if it is otherwise in order, within a period of twelve weeks from the date of receipt of a copy of this order, and the petitioners are directed to pay requisite Stamp Duty and Registration Charges. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



Anu/mp
To

The Sub-Registrar,
Dharapuram Sub-Registrar Office,
Tiruppur District.

+lcc to M/s.S.Saravanan, Advocate Sr.29464
+lcc to the Government pleader Sr.30888

W.P.Nos.10916 & 10923 of 2022

sj[col]
srg 01/06/2022