



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.21477 & 21479 of 2019
and WMP.Nos.20684 & 20687 of 2019

WP.No.21477 of 2019

R.Thirupathy

... Petitioner

Vs.

1. The District Registrar,
District Registration Office,
Chinthamani Pudur, Singanallur,
Coimbatore,
Coimbatore District

2. The Sub Registrar,
Singanallur Sub Registrar Office,
Coimbatore

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the second respondent to return the registered power of attorney dated 04.06.2019 now bearing document No.P/126/2019, presented by the petitioner in respect of his property to an extent of acre 1.14 cents of land in SF.No.655, 656/1, Uppilipalayam Village, Coimbatore South, Coimbatore.

For Petitioner : Mr.N.R.Kaushik

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

WP.No.21479 of 2019

R.Thirupathy

... Petitioner

Vs.

1. The District Registrar,
District Registration Office,
Chinthamani Pudur, Singanallur,
Coimbatore,
Coimbatore District



2. The Sub Registrar,
Singanallur Sub Registrar Office,
Coimbatore

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the second respondent to return the registered power of attorney dated 04.06.2019 now bearing document No.P/127/2019, presented by the petitioner in respect of his property to an extent of 57 cents of land in SF.No.656/1, Uppilipalayam Village, Coimbatore South, Coimbatore.

For Petitioner : Mr.N.R.Kaushik

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

C O M M O N O R D E R

These writ petitions have been filed for direction directing the second respondent to return the registered power of attorney dated 04.06.2019 now bearing document Nos.P/126/2019 & P/127/2019, presented by the petitioner in respect of his property to an extent of acre 1.14 cents of land in SF.No.655, 656/1, Uppilipalayam Village, Coimbatore South, Coimbatore and in respect of his property to an extent of 57 cents of land in SF.No.656/1, Uppilipalayam Village, Coimbatore South, Coimbatore.

2. Heard, Mr.N.R.Kaushik, the learned counsel for the petitioner and Mr.Yogesh Kannadasan, Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that the petitioner executed power of attorney dated 04.06.2019 in favour of one, Nagaraj as his power agent in respect of his property comprised in SF.No.655, 656/1 to extent of 1.14 acres situated at Uppilipalayam Village, Coimbatore South and his property to an extent of 57 cents of land in SF.No.656/1, Uppilipalayam Village, Coimbatore South, Coimbatore and presented before the second respondent for registration on 04.06.2019. The second respondent had kept the documents as pending document Nos.P/126/2019 and P/127/2019 respectively. Therefore, the petitioner filed these writ petitions for direction directing the second respondent to release the registered power of attorney dated 04.06.2019.

4. On perusal of the counter filed by the second respondent, revealed that the Tahsildar, Coimbatore South, in his proceedings dated 01.07.2019 informed to the second respondent that the property admeasuring 0.11 cents in survey No.656/1 belongs to one, Mani and to an extent of 1.43 acres comprised in survey No.656/2 belongs to TWAD Board. The



petitioner's name does not find place either in TSLR or in Adangal either issued by the Tahsildar or by the Village Administrative Officer. Since the provision under Section 22A of the Registration Act, 1908 bars registration of lands that belongs to Wakf or HR&CE or Government or Government Agencies, the petitioner's reference of Rule 55 of the Registration Rules does not apply to the present writ petitions and the said Rule cannot override the provision under Section 22A of the Registration Act, 1908. Therefore, the power of attorney presented for registration cannot be registered.

5. However, the second respondent kept the document as pending in document Nos.P126/2019 and P127/2019. In view of the same, the second respondent is directed to pass appropriate orders either to register or to reject the same after giving opportunity of hearing to the petitioner, on merits and in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

6. With the above direction, both the writ petitions are disposed of. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

lok

To

1. The District Registrar,
District Registration Office,
Chinthamani Pudur, Singanallur,
Coimbatore,
Coimbatore District
2. The Sub Registrar,
Singanallur Sub Registrar Office,
Coimbatore.

+1cc to Mr.N.R.Kaushik, Advocate SR. No.7128

+1cc to Government Pleader SR. No.7729

W.P.Nos.21477 & 21479 of 2019

MG (CO)

PR (23/02/2022)