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W.P.No.25658 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.25658 of 2022

R.V.Balaji

.. Petitioner

VS

1. The District Registrar
Salem (West), Collectorate
Salem – 636 001.

2. Joint Sub Registrar No.3
Office of the Joint Sub Registrar No.3
Salem (West), Collectorate
Salem – 636 001.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Refusal No.RFL/No.3 Joint Sub Registrar, Salem East/19/2022, dated 16.08.2022, on the file of the second respondent herein and to quash the same and direct the second respondent to register the Power of Attorney dated 03.06.2022, in accordance with the law and the procedure within the time frame as may be fixed by this Honourable Court and to pass further orders as may deem fit and proper in the circumstances of the case.

For Petitioners : Mr.Elizabeth Ravi

For Respondents : Mr.P.Sathish
Additional Government Pleader



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ORDER

Prayer sought for herein is for a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Refusal No.RFL/No.3 Joint Sub Registrar, Salem East/19/2022, dated 16.08.2022, on the file of the second respondent herein and to quash the same and direct the second respondent to register the Power of Attorney dated 03.06.2022, in accordance with the law and the procedure within the time frame as may be fixed by this Hon'ble Court and to pass further orders as may deem fit and proper in the circumstances of the case.

2. The petitioner had presented a Power of Attorney document dated 03.06.2022 to the second respondent for registration. However, the second respondent has given a refusal cheque slip where he has stated the following reasons:

“1. இதர காரணங்கள்: சென்னை உயர்நீதி மன்ற அரசு வழக்கறிஞர் சட்டக் கருத்துப் பெற்று மீள தாக்கல் செய்ய ஆவணம் திருப்படுகிறது.”

Challenging the same, the present writ petition has been filed.



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3. Heard Mr.Elizabeth Ravi, learned counsel appearing for the petitioner and Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents.

4. The said reason cited by the second respondent in the impugned refusal cheque slip is palpably wrong, because, no other reasons has been stated as to why the petitioner has been driven to go before the Government Pleader at the Madras High Court and get an opinion. Moreover, if at all any opinion has to be obtained by the Registering Authority, it is for him to get the opinion and satisfy himself, as to any legal doubt arose in the mind of the Registering Authority and for that purpose, the party, who presented the document cannot be religated to go before the Government Pleader to get an opinion and produce the same before the Registering Authority.

5. Therefore, I have no hesitation to hold that the said reason cannot be sustained and accordingly, the impugned refusal cheque slip has to be interfered with. Hence, the following orders are passed in the present writ petition:



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(i) That the impugned refusal cheque slip, with their reason, is hereby set aside and as a sequel, there shall be a direction to the second respondent to entertain the document viz., the Power Attorney dated 03.06.2022 from the petitioner and proceed to register the same, if it is otherwise in order.

(ii) The needful as indicated above shall be undertaken by the second respondent within a period of two weeks from the date of receipt of a copy of this order.

6. With these directions the writ petition is disposed of. There will be no order as to costs.

Index: Yes/No
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1. The Managing Director
Tamil Nadir Industrial Development Corporation Ltd.
19-A, Rukmani Lakshmipathi Road
Egmore, Chennai – 600 008.
2. The District Collector
Tiruvallur District
Collectorate Campus, Tiruvallur HO
Tiruvallur – 602 001.
3. The District Revenue Office
Tiruvallur District
Collectorate Campus, Tiruvallur HO
Tiruvallur – 602 001.
4. The Special Tahsildar (Land Acquisition)
TIDCO PetroChem Park
Multi Modal Logistic Park Scheme(P)
Egmore, Chennai – 600 008.
5. The Commissioner of Land Administration
Chepauk, Chennai- 600 005.



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R. SURESH KUMAR, J.

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