



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.28007 of 2021
in WMP. No.29583 of 2021

R.V.Balaji

... Petitioner

Vs

1. The District Registrar,
Salem (West), Collectorate,
Salem.636001

2. The Joint Sub Registrar No.3,
Office of the Joint Sub Registrar No.3,
Salem (West), Collectorate,
Salem.636001

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings in check slip No.RFL/3, dated 16.11.2021, 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 16.11.2021, in accordance with law and the procedure within the time frame as may be fixed by this Court.

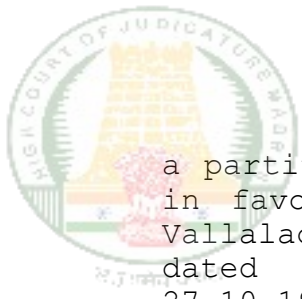
For Petitioner : Mr.P.Raja

For Respondents : Mr. Yogesh Kannadasan Spl. GP

ORDER

This writ petition is filed seeking to quash the proceedings of the second respondent in check slip No.RFL/3, dated 16.11.2021, on the file of the second respondent herein and direct the second respondent to register the power of attorney dated 16.11.2021, in accordance with law and the procedure within the time frame as may be fixed by this Court.

2. The case of the petitioner is that the land totally to an extent of 13,000 sq. ft. in T.S.No.10 in Block No.9 Ward No.D in shevapet, Salem City, originally belonged to the paternal grand father of the petitioner. The petitioner's grand father effected



a partition, by dividing the said land equally into 7 plots, to in favour of each of six of his daughters and the only son Vallaladurai, namely the father of the petitioner under a Will dated 22.10.1987 registered as Document No.51/1987 dated 27.10.1987 in the office of the Sub Registrar, Salem East. The paternal aunt of the petitioner Amsavathi Bai @ Amsavathi, left an unregistered Will dated 28.02.2022 whereby the said C-schedule came to be bequeathed to the petitioner. Accordingly, the petitioner filed a petition before the learned Second Additional District Judge, Salem. The learned Judge, after adjudication, granted letters of Administration dated 13.10.2020 in favour of the petitioner. When the petitioner came across the very same property bequeathed to the petitioner by his paternal aunt Amsavathi, there was a registered settlement deed dated 16.05.2019, registered as document No.1053 of 2019, on the file of the second respondent in favour of one Anandhi. The said Anandhi executed a power of attorney in favour of his husband Damodharan vide document No.1959 of 2020 and registered the same before the second respondent. In the meanwhile, the petitioner presented the letters of administration for registration before the second respondent which was granted by the learned Judge and the same was refused by the second respondent.

3. The petitioner, thereafter, approached the first respondent for the cancellation of the above documents. But the first respondent by his proceedings in Rc.No.3058/E4/2021 dated 23.08.2021 stating that the Registrar has no power to cancel any documents already registered. Therefore, the petitioner executed a power of attorney dated 10.10.2021 in favour of one A.Soukat Ali and the said Soukat Ali presented the same on 12.10.2021 before the second respondent herein, for registration. The second respondent rejected the application and returned the original power of attorney dated 11.10.2021 to the said Soukat Ali. The petitioner, once again, executed the power of attorney and presented the same on 16.11.2021 before the second respondent for registration and the second respondent, returned the original power of attorney, vide its proceedings dated 16.11.2021 in R.F.L.No.3. Challenging the said refusal check slip, the writ petition has filed before this Court seeking with afore said prayer.

4. The learned counsel for the petitioner submitted that this Court may permit the petitioner to file fresh deed before the second respondent and direct the second respondent to register the same within the stipulated time as fixed by this Court.

5. Heard, the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents, and perused the materials available on record.



6. Considering the facts and circumstances of the case, this Court, without going into the merits of the case, directs the petitioner to present the fresh deed before the second respondent within a period of four weeks from the date of receipt of a copy of this order. Upon receipt of such deed, the second respondent shall consider the same and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks, thereafter.

7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Rli

To

1. The District Registrar,
Salem (West),Collectorate,
Salem.

2. The Joint Sub Registrar No.3,
Office of the Joint Sub Registrar No.3,
Salem (West), Collectorate,
Salem.636001

+1cc to Mrs.Elizabeth Ravi, Advocate, S.R.No.23606
+1cc to the Government Pleader, S.R.No.24155

WP.No.28007 of 2021

GMR(CO)
CT 28/04/2022