



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.2811 of 2022

WEB COPY

Lingavel

.. Petitioner

Vs

1.The District Registrar,
Tuticorin Registration District,
Tuticorin.

2.The Sub Registrar,
Vilathikulam Sub Registrar Office,
Tuticorin District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to register the deed of General Power of Attorney dated 04.01.2022 executed by the petitioner within a time stipulated by this Court.

For Petitioner	: Mr.R.Jegadeeswaran
For Respondents	: Mr.S.Shanmugavel Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 2 to register the deed of General Power of Attorney dated 04.01.2022, which pertains to the land situated at Ayansengalpadai Village, Vilathikulam Sub Registration Office, Thoothukudi Registration District in

- i.S.F.No.264, with an extent of 0.20.5 Hectares, 0.51 Acres
- ii.S.F.No.268/3, with an extent of 0.29.5 Hectares, 0.72 Acres
- iii.S.F.No.303, with an extent of 0.43.0 Hectares, 1.06 Acres
- iv.S.F.No.304, with an extent of 3.60.0 Hectares, 8.89 Acres
- v.S.F.No.396/1 with an extent of 1.20.0 Hectares, 2.96 Acres
- vi.S.F.No.438/1A, with an extent of 2.84.5 Hectares, 7.03 Acres
- vii.S.F.No.441/2, with an extent of 2.60.0 Hectares, 6.42 Acres

2.According to the petitioner, the second respondent is refusing to register the power of attorney. In such circumstances, he has filed this writ petition.

3.Heard Mr.R.Jegadeeswaran, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, appearing for the respondents.



4. On instructions, the learned Additional Government Pleader would submit that on account of the directions given by the Honourable Supreme Court, there is a prohibition for the respondents to register documents pertaining to the aforementioned properties and only on that ground the power of attorney submitted by the petitioner for registration has not been registered.

5. But however, the learned counsel for the petitioner would dispute the same and would submit that power of attorney is not a title deed and therefore, there can be no prohibition. He also submits that the petitioner is willing to submit a representation to the respondents requesting them to register the power of attorney and the respondents on receipt of the said representation can consider the same on merits and in accordance with law, after affording a fair hearing to the petitioner. The said statement is also recorded.

6. After hearing the submissions made by the respective counsels and since no prejudice will be caused to the respondents if the representation of the petitioner seeking for registration of power of attorney is considered on merits and in accordance with law, this Court directs the petitioner to submit a fresh representation, within a period of one week from the date of receipt of a copy of this order, requesting the second respondent to register the power of attorney in respect of the properties mentioned supra and on receipt of the same the second respondent shall consider the same and pass orders on merits within a period of twelve weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner.

7. With the aforesaid directions, this writ petitioner is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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,
Tuticorin Registration District,
Tuticorin.

2.The Sub Registrar,
Vilathikulam Sub Registrar Office,
Tuticorin District.

+1 CC to M/s.R.JEGADEESWARAN, Advocate (SR-7329[F] dated 21/02/2022)

+1 CC to M/s.SPL GP (SR-7488[F] dated 21/02/2022)

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SK(CO)

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