



W.P(MD)No.8146 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8146 of 2018

B.M.Purnachandran

... Petitioner

Vs.

The Sub Registrar,
Kadambur,
Tuticorin District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to register the sale agreement dated 29.01.2015 pending document No.12 of 2015 presented by the petitioner herein forthwith.

For Petitioner : Mr.V.Jayachandran

For Respondent : Mr.K.S.Selvaganesan,
Addl. Government Pleader

ORDER

Heard the learned counsel on either side.



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2.The grievance of the writ petitioner is that when the sale agreement was presented for registration, the registering authority declined to entertain the same.

3.When the matter was taken up for hearing, the learned Additional Government Pleader submitted that refusal check slip was already served on the petitioner and that therefore, the writ petition as framed is not maintainable.

4.I do not want to dispose of this matter on any technical ground. According to the registering authority, the executant of the document did not produce the original patta in respect of the petition mentioned lands. He would also state that the executant is obliged to produce the original power of attorney and a certificate to show that it is still in force.

5.The petitioner's counsel asserted that he is very much in a position to produce the original patta and that the power agent will also be in a position to show that the power is still in force.

6.If that be so, then the registering authority cannot have any objection. The petitioner as well as the executant of the document in question are very



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much permitted to resubmit the document in question, if it had been returned to them. If the document is still lying with the registering authority, then further formalities shall be undergone subject to production of the original patta as well as the original power of attorney and also a certificate indicating that the power of attorney is still in force. If the aforesaid conditions are fulfilled by the writ petitioner, the registration shall be done forthwith and without any delay.

7.The writ petition is disposed of accordingly. No costs.

25.07.2022

Index : Yes / No
Internet : Yes/ No
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To:

The Sub Registrar,
Kadambur,
Tuticorin District.



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G.R.SWAMINATHAN, J.

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