



WEB COPY

W.P.No.25389 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 29.08.2023**

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**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No. 25389 of 2023**

K. Bharathi Raja Manickam

... Petitioner

Vs.

The Sub Registrar,  
Periamet Sub Registrar Office,  
Chennai.

... Respondent

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to register the petitioner's power of attorney deed, pending Document No. P/Periamet/87/2023 dated 28.07.2023 and release the same.

For Petitioner

: Mr. M. Subash Chandra Bose

For Respondent

: Mr. P. Sanjay Gandhi,  
Government Advocate

## **ORDER**

The relief sought for in the present writ petition is to direct the respondent to register the petitioner's power of attorney deed, pending



Document No. P/Periamet/87/2023 dated 28.07.2023 and release the same.

2. The writ petition has been filed as if the power of attorney document was refused to be registered by the registering authority.

3. The learned Government Advocate appearing on behalf of the respondent furnished a copy of the written instructions given by the Sub Registrar, Periamet in letter dated 29.08.2023. The said instructions reveal that one Smt.Padmaseeni Ammal, the wife of Mr.Parthasarathy has executed a registered settlement deed in favour of the petitioner vide document No.457 of 2023 dated 01.02.2023. One Mr.Dillibabu claiming himself as the son of the said Smt. Padmaseeni Ammal filed a complaint before the Central Crime Branch (Land Grabbing), Chennai. The said complaint is under investigation. In the petition filed by Mr.Dillibabu, he has stated that Mr.Parthasarathy is the father of Smt.Padmaseeni Ammal and the said Mr.Parthasarathy executed a Will in favour of Smt.Padmaseeni Ammal in the year 1946. Smt.Padmaseeni Ammal died in the year 1996 and Mr.Dillibabu submitted the copy of the death certificate of the Smt.Padmaseeni Ammal before the District Registrar, Central Crime Branch, Chennai. The proceedings initiated



under section 77A of the Registration Act is also the subject matter of enquiry. In view of the contradictions, the registering authority refused to register the power of attorney document presented by the petitioner for registration.

4. Under Rule 55A of the Registration Rules, the Registrar is empowered to verify the correctness of the title and the document produced by the presentant of a document for registration. Since the registering authority found contradictions and the complaint filed by one Mr.Dillibabu is under investigation by the Central Crime Branch (Land Grabbing), Chennai and the enquiry proceedings under section 77A of the Registration Act is pending, the power of attorney document presented by the petitioner is kept pending.

5. Pertinently, the petitioner has not even impleaded the necessary party in the present writ petition i.e. Mr.Dillibabu who is the complainant before the District Registrar as well as the Central Crime Branch. Thus, the writ petition is liable to be rejected on the ground of non-joinder of necessary



parties. The practice of filing writ petition by merely impleading the official respondents, thereby depriving the opportunity to other contesting parties at no circumstances be encouraged by the High Court.

6. Thus, the present writ petition deserves to be rejected on the ground of non joinder of parties. Further, the registering authority found several contradictions with reference to the power of attorney document presented by the petitioner and therefore, the petitioner is not entitled for the relief as such sought for in the present writ petition.

7. Accordingly, the writ petition stands dismissed. No costs.

**29.08.2023**

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Index : Yes

Speaking order



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To

The Sub Registrar,  
Periamet Sub Registrar Office,  
Chennai.



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**S.M.SUBRAMANIAM, J.**

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