



W.P.(MD) No.5517 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.5517 of 2020

G.Saveetha Selvamani

.. Petitioner

Vs.

The Sub-Registrar,
O/o. Sub Registrar,
Keeranur, Palani Taluk,
Dindigul District.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the respondent in his proceedings in Na.Ka.No.133/2019 dated 20.01.2020 and quash the same as illegal, consequently directing the respondent to register the general power of attorney deed dated 16.08.2019 and register the same presented for registration in respect of the property bearing Survey Nos.170/A1A, 170/A2A, 308/A1 and 308/A2 situated at Pushpathur Village, Palani Taluk, Dindigul District.

For Petitioner : Mr.T.Lenin Kumar



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For Respondent : Mr.M.Prakash
Additional Government Pleader

ORDER

This writ petition is filed challenging the refusal of the respondent to register the Power of Attorney executed by the petitioner in favour of one Lingasamy on the ground that the Will which has been referred to in the Power of Attorney has not been registered. The petitioner, therefore, had filed W.P.(MD) No.18494 of 2019 on the file of this Court for a mandamus directing the respondent to receive the General Power of Attorney dated 16.08.2019 and register the same in respect of the property in S.Nos.170/A1A, 170/A2A, 308/A1 and 308/A2, Pushpathur Village, Palani Taluk, Dindigul District. When the said writ petition had come up on 13.09.2019, the learned counsel for the respondent submitted that the petitioner had not approached the respondent for registering the document. Therefore, this Court had dismissed the writ petition as premature. However, this Court had observed that the order would not preclude the petitioner from presenting the document online. Thereafter, the petitioner would submit that she had once again re-presented the



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document through the online portal, despite which by proceedings dated 20.01.2020, the respondent refused to register the said deed on the ground that the document is an unregistered one and no probate Original Petition has been filed by the petitioner. Aggrieved by the same, the petitioner is before this Court.

2. The learned Additional Government Pleader for the respondent would submit that they received a letter from one Annadurai stating that he has not drafted the sale deed, which would show that the document is not a true one. The person who has moved this Court is the Principal, who had drafted the Power of Attorney in favour of the said Lingasamy.

3. A perusal of the Power of Attorney would clearly show that the petitioner has appointed Lingasamy as a Power Agent to manage her properties, which have been detailed in the schedule to the deed. The duty of the respondent is to register the document, if there is no other objections to the same and in case there are objections, consider it and pass orders. In the instant case, the person, who has filed the writ



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petition is the very same person who has executed the Power of Attorney in favour of Lingasamy. The Principal reiterates the fact that she has executed the Power of Attorney in favour of the said Lingasamy. The rejection on the ground that the Will has not been registered is yet another erroneous stand taken by the respondent, since non-registration will not render a Will invalid and the only thing that is required is that it must be proved as per the provisions of Section 68 of the Indian Evidence Act and Section 63(3) of the Indian Succession Act. The letter that had been issued by the said Annadurai is a letter from the alleged Document Writer who has stated that he has not drafted the Power of Attorney. The respondent has overlooked the fact that the Principal has admitted the execution and has filed the instant writ petition.

4. In the above circumstances, this Writ Petition is allowed and the impugned order dated 20.01.2020 is set aside. The petitioner shall submit the Power of Attorney to the Sub Registrar's Office online. On receipt of the same, the Sub Registrar, Keeranur, Palani Taluk, shall proceed to register the deed within a period of four weeks from the date



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of receipt of a copy of this order. The petitioner shall also produce the life certificate as on date along with the Power of Attorney. No costs.

28.03.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

The Sub-Registrar,
O/o. Sub Registrar,
Keeranur, Palani Taluk,
Dindigul District.



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P.T.ASHA, J.

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