



WP(MD)No.17914 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **18.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.17914 of 2021

and

W.M.P.(MD)No.14781 of 2021

1.N.Rukmani

2.V.Vasantha

3.A.Rajeswaran

4.S.Vijaya Lakshmi

5.V.Esthar

6.M.Dhanalakshmi

...Petitioners

/Vs./

The Sub Registrar,
Sub Registrar Office,
Oddanchatram,
Dindigul District.

...Respondent

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the refusal check slip in RFC/Oddanchatram/57/2021 dated 20.09.2021 on the file of the Sub-Registrar, Oddanchatram in respect of the properties described above situate at Oddanchatram Village and Taluk, Dindigul District and quash the same.



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For Petitioners : Mr.S.Siva Thilakar

For Respondent : Mr.K.S.Selvaganesan

Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the respondent, dated 20.09.2021, whereby power of attorney that was sought to be registered was refused to be taken on file by the respondent.

2. The petitioners are claiming to be the owners of the subject property by virtue of the undivided shares to which they are entitled in the subject properties. The petitioners executed a power of attorney document dated 03.01.2020 in favour of one Janakiraman, with respect to their respective shares in the property. This power of attorney document was registered by the respondent. Subsequently, this power of attorney document came to be cancelled on 20.09.2021.

3. The petitioners executed yet another power of attorney document in favour of one Natarajan, S/o.Mottaiyan. This power of attorney document was refused to be registered by the respondent on the ground of one Nallasamy had



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claimed right over the properties by virtue of sale certificate issued to him and had made his objections. Aggrieved by the same, the present writ petition has been filed before this Court.

4. Heard Mr.S.Siva Thilakar, learned counsel for the petitioners and Mr.K.S.Selvaganesan, learned Additional Government Pleader for the respondent.

5. The petitioners have come up with a specific case that they are seeking to execute the power of attorney only with respect to their respective shares in the subject properties and they are not attempting to take away or deal with the share to which the said Nallasamy is entitled to. It is brought to the notice of this Court that a sale certificate has been issued in favour of Nallasamy by the society pursuant to the order passed in the Execution Petition. This sale certificate deals with various properties. The respondent has refused to register the power of attorney document mainly on the objections made by Nallasamy.

6. The respondent is vested with the power to refuse to register a document under Section 72 of the Registration Act, 1908. When the respondent has chosen to exercise his power, the respondent must have considered the



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claim made by the petitioners and the objections given by the said Nallasamy and thereafter, should have passed an order. In this case, it is not known as to what impelled the respondent to refuse the registration of the document except noting down the fact that one Nallasamy had objected to the registration of the power of attorney document by virtue of a sale certificate issued in his favour. The respondent has not given any reason in the refusal check slip to the effect that the properties which are sought to be dealt with through the power of attorney also included the properties that were sold in favour of Nallasamy through sale certificate executed in his favour by the society.

7. In view of the above, the matter is remanded back to the file of the respondent. The respondent is directed to conduct an enquiry and if ultimately the respondent refuses to register the power of attorney document, reasons shall be assigned. If this procedure is properly followed, atleast the petitioner will have right of appeal under Section 72 of the Registration Act, 1908, before the District Registrar. This process shall be completed by the respondent within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to re-present the power of attorney document along with a representation and other documents relied upon and also a copy of this order. On receipt of the same, the respondent shall conduct an enquiry by issuing



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notice to the said Nallasamy also and pass appropriate orders.

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8. This writ petition is disposed in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

18.10.2023

(1/2)

NCC : Yes/No
Internet :Yes/No
Index :Yes/No
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TO:-

The Sub Registrar,
Sub Registrar Office,
Oddanchatram,
Dindigul District.



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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.17914 of 2021
(2/2)

Dated:
18.10.2023