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W.P.(MD)NO.12711 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12711 of 2015 AND

M.P.(MD)No.1 of 2015

Palaniyae @ Palaniyammal

... Petitioner

Vs.

1. The Registrar,
District Registrars Office,
Thanjavur District.

2. The Sub Registrar,
Sub Registrars Office,
Vallam,
Thanjavur District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned check slip order passed by the 2nd respondent dated 31.10.2014 and quash the same and consequently direct the 2nd respondent to forthwith register the deed of Power of Attorney dated 27.10.2014 without insisting on production of separate patta in the name of the petitioner.

For Petitioner : Mr.G.Mohankumar

For Respondents : Mr.D.Gandhiraj,
Special Government Pleader.

* * *



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ORDER

Heard the learned counsel on either side.

2. The petition-mentioned property belonged to the petitioner's husband Murugaiya Udayar. He is no more. He died intestate. He was survived by the petitioner herein (wife) and 2 sons. The petitioner executed power of attorney in favour of one Srinivasaraghavan. It was presented for registration.

3. The second respondent issued the impugned check slip calling upon the petitioner to re-present the document by enclosing separate patta. Challenging the impugned slip, the present writ petition came to be filed.

4. As rightly pointed out by the learned counsel appearing for the petitioner, the petitioner wanted to execute only power of attorney in respect of her 1/3 undivided share. Therefore, the question of obtaining or enclosing separate patta in the name of the petitioner does not arise at all.



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5. In this view of the matter, the impugned check slip is quashed. The petitioner is permitted to re-present the document. The petitioner of course has to comply with the current formalities. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

11.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The Registrar,
District Registrars Office,
Thanjavur District.
2. The Sub Registrar,
Sub Registrars Office,
Vallam,
Thanjavur District.



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G.R.SWAMINATHAN,J.

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