



W.P(MD)No.28238 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28238 of 2022

and

W.M.P(MD)Nos.22307, 22308 of 2022,
1417 & 240 of 2023

Great Lakes Multi-State Co-operative
Housing Society Limited,
No.76/190, South Car Street,
Srivilliputhur – 626 125,
Virudhunagar District,
Represented by its
Chief Executive Officer,
S.Sakthivel.

... Petitioner

Vs

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
Integrated Complex of Registration Department,
St.Marks Street,
Near Sankar Colony,
Behind John Higher Secondary School,
Tirunelveli – 627 002.



W.P(MD)No.28238 of 2022

3. The District Registrar,
Integrated Complex of Registration Department,
St.Marks Street,
Near Sankar Colony,
Behind John Higher Secondary School,
Tirunelveli – 627 002.

4. The Sub Registrar,
Sub Registrar Office,
No.115A, Radhapuram Main Road,
Radhapuram – 627 111,
Tirunelveli District.

5. G. Manohar

6. G. Karuppiah

7. V. Kanageswari

8. A. Kannammal

9. A. Karpagam

10. K. Paramasivan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the impugned General Power of Attorney dated 23.06.2022 in Document No.25 of 2022 on the file of the Sub-Registrar, Radhapuram in Tirunelveli District and quash the same as illegal.

For Petitioner : Mr.V.Karthick
Senior Counsel
for Mr.A.Robinson

For Respondents : Mr.N.Satheeskumar
Additional Government Pleader
for R.1 to R.4

Mr.M.Mohanasundaram for R.5 to R.9

No Appearance for R.10



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W.P(MD)No.28238 of 2022

ORDER

Heard the learned Senior Counsel appearing for the writ petitioner, the learned Additional Government Pleader appearing for the official respondents and the learned counsel appearing for the respondents 5 to 9.

2.The writ petitioner is a registered Multi-State Co-operative Housing Society Limited. What is under challenge in this writ petition is registration of the General Power of Attorney dated 23.06.2022 by the fourth respondent. The said General Power of Attorney was executed on behalf of the writ petitioner society by five persons / respondents 5 to 9 herein purporting to be its Directors.

3.The respondents 5 to 9 have filed counter affidavit opposing the writ prayer. The learned counsel appearing for the private respondents contends that the writ petition has been filed by a person who has been removed from service. Their primary attack is on the maintainability of the writ petition. The learned counsel took me through the averments set out in the counter affidavit.

4.The learned Additional Government Pleader on the other hand straightaway submitted that the present Sub Registrar is in agreement with the contentions projected by the writ petitioner.



W.P(MD)No.28238 of 2022

5.I carefully considered the rival contentions and went through the materials on record. As already noted, the General Power of Attorney dated 23.06.2022 was registered as Document No.25 of 2022 by the Sub-Registrar, Radhapuram. The executants of the documents are residing at Athikulam, Srivilliputhur, Virudhunagar District, TN Puthukudi, Puliyangudi, Tenkasi District, Indra Nagar, Srivilliputhur, Virudhunagar District, Malli Anjal, Panduthanpatti, Srivilliputhur Taluk, Virudhunagar District and Veeraganur, Madurai District. G.Karupppiah who is residing at Tenkasi District is not within the territorial limits of Radhapuram. In other words, all the executants are residing outside the territorial jurisdiction of the Sub Registrar Office where the document was registered.

6.The learned Senior Counsel drew my attention to Sections 28 and 64(A) of the Registration Act, 1908. The said provisions read as under:

“28. Place for registering documents relating to land.-Save as in this Part otherwise provided, every document mentioned in section 17, sub-section (1), clauses (a), (b), (c) 3°[(d) and (e), section 17, sub-section (2), insofar as such document affects immovable property,] and section 18, clauses (a), (b), 31[(C) and (cc)], shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate.



W.P(MD)No.28238 of 2022

WEB COPY

64-A. Procedure where instrument of Power of Attorney presented in office of Sub-Registrar relates to immovable property not situate in sub-district. - Every Sub-Registrar on registering an instrument of Power of Attorney including instrument of revocation or cancellation of such Power of Attorney relating to immovable property not situate in his own sub-district, shall make a copy and send the same together with a copy of the map or plan (if any) mentioned in Section 21, to every other Sub-Registrar in whose sub-district the whole or any part of such property is situate and such Sub-Registrar shall file the same in this Book No.1:

Provided that where such instrument relates to immovable property in several districts, shall forward the same to the Sub-Registrars concerned , under intimation to the Registrar of every district in which any part of such property is situate”

7.The property that is the subject matter of power of attorney is situated in Alandur, Chennai. The Sub Registrar, Radhapuram could have registered the document only if the members are residing within its territorial limit or if the property is situated within his jurisdiction. Neither is the case here. The act of registration is patently vitiated. The acts of registering authority will have to be tested is in the light of the statutory provisions. When so tested, the impugned registration miserably fails. It is set aside because the executors admittedly



W.P(MD)No.28238 of 2022

reside outside the territorial limits of Sub Registrar Office, Radhapuram and the property is also situated outside.

8.This writ petition is allowed. There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

25.01.2023

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

MGA

To

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