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W.P.No.1243 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

Coram

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition No.1243 of 2023

S.Saravanakumar

..... Petitioner

-Versus-

1.The Sub-Registrar,
Tiruporur SRO,
Chengalpattu District.

2.Devaraj

3.N.Anbazhagan

[3rd respondent was impleaded as per order of this court
dated 27.06.2024 made in W.M.P.No.3092 of 2023]

..... Respondents

Petition filed under Article 226 of the Constitution of India, praying to
issue a writ of mandamus directing the 1st respondent herein to register
forthwith the Power of Attorney dated 28.11.2022 kept pending bearing
Registration in Pending Document No.P/Thiruporur 531/2022 on the file of the
1st respondent and release the same.

For Petitioner : *Mr.G.Magesh Kumar*
in WP & WMP

For Respondent (s) : *Mr.B.Vijay, AGP for R1*
in WP and WMP



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ORDER

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This writ petition has been filed seeking a writ in the nature of mandamus, mandamus directing the 1st respondent herein to register forthwith the Power of Attorney dated 28.11.2022 kept pending bearing Registration in Pending Document No.P/Thiruporur 531/2022 on the file of the 1st respondent and release the same.

2. Heard both sides.

3. The petitioner claims to be the power agent of the 3rd respondent.

According to the petitioner, the document which was presented for registration has been kept pending merely on the ground that some objections have been made before the 1st respondent by the 2nd respondent alleging that a civil suit in O.S.No.20 of 2011 filed by him was pending before District Munsif, Chegnalpattu. The said suit was, however, dismissed for default of the petitioner by judgement and decree dated 22.11.2018. Thereafter, no application for restoration of the suit seems to have been filed by the 2nd respondent till date.

4. Be that as it may, even if the suit is restored to file, mere pendency of such civil suit will not be a bar for the registering authority to register a document, unless there is a specific interim order or direction not to register any document in respect of a particular property. Except as provided in the



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Registration Act and any other statute, the Registrar has no power to refuse to register a document. This court has been consistently giving a direction to the registering authority not to refuse to register the document unless such documents come under the category enumerated under Section 22-A and 22-B of the Registration Act.

6. Considering the settled legal position and the facts and circumstances of the case, this court directs the 1st respondent to register the document namely, the Power of Attorney Deed presented by the petitioner for registration, if the same has not yet been registered, after satisfying the procedure contemplated therefor, particularly after verifying the fact whether the principal is still alive. The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order. No costs.

Index : yes / no
Neutral Citation : yes / no
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27..06..2024

To

The Sub-Registrar,
Tiruporur SRO,
Chengalpattu District.



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N.SATHISH KUMAR.J.,
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