



W.P. No.4901 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P. No.4901 of 2021

M.Venkatachalam

. . Petitioner

Vs

1.The Sub Registrar
Sub Registrar Office
Darapuram
Thiruppur District

2.M.Ramasamy

. . Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records of the 1st respondent pertaining to check slip dated 16.02.2021 and quash the same and to direct him to register the General Power of Attorney dated 07.12.2020 executed by the petitioner regarding vacant land ad measuring 6.39 acre comprised in Survey No.602, 6.00 acres comprised in Survey No.603 and 4.02 acre comprised in Survey No.601/B including 1/2 share in the well situated in Ponnapuram village, Darapuram Taluk, Darapuram Sub Registry, Thiruppur District.

For Petitioner : Mr.P.Sesubalanraja



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For Respondents : Mr.B.Vijay, AGP for R1
Mr.S.Diwakar for R2

ORDER

Challenge has been made to the refusal slip issued by the first respondent when the petitioner presented a document for sale of properties. The petitioner originally purchased the property on 27.09.2001 from the second respondent. The sale deed contained clauses for re-conveyance. It is agreed between the parties that the property shall be at the option of the second respondent to be re-conveyed within three years i.e. on or before 25.09.2004. However, it appears that such option has not been exercised by the second respondent. Thereafter, it appears that the second respondent has executed two settlement deeds in favour of his daughters in the year 2006. At this stage, in the year 2020 the petitioner has executed a power of attorney in favour of one C.Subramaniam to sell his property and when the same was presented before the first respondent for registration, the same was refused to be registered mainly on the ground that two settlement deeds have already been executed in respect of the same property.

2. Heard both sides and perused the materials available in the form of



typed set of papers.

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3. At the outset, I am of the view that refusal slip cannot be sustained in the eye of law. Once the option to re-purchase the property as stipulated in the document, has not been exercised, the title over the property in respect of the transferee will be absolute. The parties have consistently agreed to exercise such right on or before 25.09.2004. When the second respondent had failed to exercise such an option, in law, now he cannot contend that still he retains a right over the property and execute settlement deeds. Any subsequent document in favour of the children will not convey any right on them, since the transfer in favour of the petitioner has become absolute in view of second respondent's failure to exercise option to re-purchase the property. When such being the position, now the Registering Authority cannot refuse to register the document in respect of the property in question and hence the order of the first respondent refusing to register the document is liable to be set aside. .

4. Accordingly, this writ petition is allowed and the order of the respondent dated 16.02.2021 refusing to register the General Power of Attorney dated 07.12.2020 is set aside. There shall be a direction to the first respondent to register the document if the the petitioner presents the same within a period of



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one month from the date of receipt of a copy of this order. No costs.

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04.06.2024

Index : Yes / No
Speaking/non speaking order
Neutral Citation : Yes/No
Asr

To

1.The Sub Registrar
Sub Registrar Office
Darapuram
Thiruppur District

2.The Government Pleader
High Court, Madras

N. SATHISH KUMAR, J.

Asr



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