



WP.No.12937 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 05.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.12937 of 2024

1.G.Mohan Kumar

2.D.Shyamala

3.R.Dhanasekar

4.L.Ramkumar
Through his power agent,
R.Dhanasekar.

5.S.Senguttuvan

6.S.Sadasivam

7.B.Kavitha
(Petitioners 6 and 7 are rep.through
their power agent N.Vasudevan)

.. Petitioners

Versus

1.The District Registrar (Admin),
District Registrar Office,
Karunglpalayam,
Erode 638 001,
Erode District.

2.The Joint Sub Registrar I,
Karunglpalayam,
Erode 638 001,
Erode District.

.. Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip RFL /Joint Sub Registrar No. 1/ Erode / 18/ 2024 dated 12.04.2024 passed by the 2nd respondent, quash the same and consequently direct the respondents to register the sale deed dated 08.02.2024 executed by the Petitioners 6 and 7 through their power agent to the petitioners 1 to 5 in respect of the properties mentioned therein and release the original sale deed forthwith.

For Petitioners : Mr.N.Manoharan

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

Challenge has been made to the refusal check-slip issued by the second respondent in registering the sale deed dated 08.02.2024.

2. By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

3.The writ petitioners 6 & 7 are the sons of the Principals, namely, one S.Kamalam and R.Subramaniam. The said S.Kamalam and R.Subramaniam, who are the parents of the 6 & 7th writ petitioners executed an irrevocable power of attorney deed dated 10.11.2014 in favour of one N.Vasudevan. At



the time of the execution of the said document, they received a sum of

Rs.1,25,00,000/-. The power of attorney deed is not merely an ordinary power, but a power coupled with interest. This fact is admitted by writ petitioners 6 & 7 also. After agent exercising authority and pending certain acts, at a later point of time, both principals died. Thereafter, when the power agent along with the children of the principals, namely, the writ petitioners 6 & 7 presented the document for registration, the same was refused to be registered mainly on the ground that since the principals died, the power is not valid and therefore, the power of attorney deed is not valid in the eye of law.

4. Heard both sides and perused the materials placed on record.

5. Since the very order of the respondent is without application of mind, no counter is required. The power of attorney deed itself indicates that it is not merely an ordinary power, but a power coupled with interest. Admittedly, both principals died. When an agent is terminated by the principals on the death of the principals, it is the duty of the agent to take care of the property by taking reasonable steps for protection and preservation of the interest entrusted with him. This act also includes on behalf of the representatives or the legal representatives of the principals. This protection has been statutorily provided



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under section 209 of the Contract Act. Admittedly, in this case, the agent who has interest in the property, by virtue of the huge payment made, has also taken care of the interest of the legal representatives of the principals. In fact, he joined the children of the principals, namely, the writ petitioners 6 & 7 in executing the documents. Such being the position, the registration cannot be refused merely on the ground that the principals had died. Since the writ petitioners 6 & 7 are also the consenting parties to the documents and the power of attorney deed is coupled with interest, registration authority ought not to have rejected the documents.

6. Accordingly, the impugned Refusal Check Slip RFL /Joint Sub Registrar No.1/Erode/18/2024, dated 12.04.2024, passed by the second respondent, is set aside and the second respondent is directed to register the document within a period of one month from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

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05.06.2024
(2/2)

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

<https://www.mhc.tn.gov.in/judis>



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To,
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N. SATHISH KUMAR, J.

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