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WP.No.12479 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.12479 of 2024

Vasuki

.. Petitioner

Versus

The Sub Registrar
Sowcarpet, Chennai – 600 003

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order dated 28.02.2024 in RFL/Sowcarpet/5/2024 and quash the same and consequently direct the respondent to register the General power of Attorney or any other deed executed by the petitioner relating to the property at 88, Nyniappan Naicken Street, Park Town, Chennai - 600 003.

For Petitioner : Mr.C.Umashankar

For Respondent : Mr.B.Vijay
Additional Government Pleader

ORDER

Challenge has been made to the refusal checkslip dated 28.02.2024, quash the same and direct the respondent to register the General power of Attorney or any other deed executed by the petitioner relating to the property at 88, Nyniappan Naicken Street, Park Town, Chennai - 600 003.



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2. It is the case of the writ petitioner that when the power of attorney was presented, the same was refused to be registered on the ground that preliminary decree has not declared the shares of the petitioner.

3. The learned counsel for the petitioner brought to the notice of this Court that a preliminary decree has passed on 15.12.2024 in a suit in O.S.No.1058 of 1996 before the City Civil Court at Chennai filed for dissolution of firm and ascertaining 1/3rd share on statement of accounts.

4. Heard both sides and perused the materials placed on record. With the consent of both parties, this writ petition is taken up for final disposal.

5. When the Court has decided the rights of the parties, it is not for the Sub-Registrar to interfere with the judgment and give some lame excuse in not registering the documents. Despite several directions of this Court, repeated orders are being passed by the Sub Registrar. This Court in *Subramani vs. The Sub Registrar, Rasipuram and another*, made in *W.P.No.11056 of 2024*, dated *26.04.2024* has elaborately discussed and held that the refusal slips cannot be issued and further also directed the Inspector General of Registration to file a



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compliance report by issuing a circular in this regard. However, the same has not been done so far. Only for the purpose of creating some reasons or other, the orders have been passed repeatedly in violation of the Court Orders. Therefore, this Court is of the view that if the circular is not issued as directed in the afore-mentioned case, this Court will be left with no other option except to proceed for contempt. Recording once again, the impugned order stands quashed.

6. Accordingly, the respondent is directed to register the document within a period of one week from the date of receipt of a copy of this Order. In view of the above, this writ petition stands allowed. No costs.

26.06.2024

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

To

The Sub Registrar
Sowcarpet, Chennai – 600 003

N. SATHISH KUMAR, J.



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