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WP.No.17069 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **15.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.17069 of 2024

S.Indirani

... Petitioner

.. Vs ..

The Sub Registrar, Office of the Sub Registrar,
Tiruppur Joint – 1, Tiruppur District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondent to return the Original Deed of power of Attorney dated 30.05.2024 executed by the Petitioner in favour of the petitioners son Vijay Anand and registered as Document No.50 of 2024 at the office of the Sub Registrar Joint-I, Tiruppur forthwith.

For Petitioner : Mr.S.Silambannan, Senior Counsel
for P.Muthukrishnan

For Respondent : Mr.Stalin Abhimanyu
Additional Government Pleader

ORDER

With the consent of both sides, this Writ Petition is taken up for final

<https://www.mhc.tripura.gov.in> disposal at the admission stage itself.



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2. This writ petition is filed to direct the respondent to return the Original Deed of power of Attorney dated 30.05.2024 executed by the petitioner in favour of the her son Vijay Anand and registered as Document No.50 of 2024 at the office of the Sub Registrar Joint-I, Tiruppur forthwith.

3. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent and perused the materials available on record.

4. The case of the petitioner is that originally the petitioner's husband Selvaraj and his siblings are the absolute owners of the subject property. The petitioner's husband died intestate on 04.05.2004 leaving behind the petitioner and her sons Vijay Anand and Vinothkumar as his legal heirs. The petitioner's son Vinothkumar also subsequently died and therefore, the petitioner and her son Vijay Anand jointly own 1/5 undivided share in the subject property. The further case of the petitioner is that the petitioner appointed her son Vijay Anand as her power agent and executed a Power of Attorney and the same was registered as pending document on No.50 of 2024 on 31.05.2024. After registration, the respondent refused to return the Power of Attorney to the petitioner. Hence, the present Writ Petition has been filed.



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WEB COPY 5. Whereas, it is the contention of the learned Additional Government Pleader appearing for the respondent that since the original document has not been filed, the same has not been released.

6. It is relevant to note that the reply given by the respondent indicate the manner in which they have conducted enquiry on their whims and fancies and they are not following the relevant Rules. The copy of the decree and judgment in O.S.No.463 of 2017 which has been produced before the registering authority is also available before this Court and the same clearly indicate that the Court recorded the fact that the subject properties were individual property of the petitioner and the same has been in continuous enjoyment of the petitioner. Therefore, when the mother had executed Power of Attorney in favour of her son, despite production of the decree and judgment, still not returning the document indicate that the registering authorities abdicating their responsibilities in performing their statutory duties. Hence, the respondent is directed to release the Power of Attorney dated 30.05.2024 registered as Document No.50 of 2024 within a period of one week from the date of receipt of a copy of this Order.



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7. With the above direction, this Writ Petition is disposed of. No costs.

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vrc

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

Note : Issue Order Copy on 19.07.2024

To,

The Sub Registrar, Office of the Sub Registrar,
Tiruppur Joint – 1, Tiruppur District.



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N. SATHISH KUMAR, J.

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