



W.P.No.5130 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27..06..2024

Coram

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.5130 of 2023

Alten Antony Mendez

..... Petitioner

-Versus-

1.The Sub Registrar,
Cheyyur,
Office of the Sub Registrar, Cheyyur,
Chengalpet District.

2.The District Registrar,
Office of the District Registrar,
Chengalpet District, Chengalpet.

..... Respondents

Petition filed Article 226 of the Constitution of India, praying to issue a *writ of certiorarified mandamus* calling for the records pertaining to the impugned refusal order dated 08.09.2020 in refusal order number 3/2020 and to quash the same as illegal and direct the 1st respondent to release the document namely P-27/2020 to the petitioner.

For Petitioner : *Mr.T.Surendran*

For Respondent (s) : *Mr.B.Vijay, AGP for RR1 & 2*



W.P.No.5130 of 2023

ORDER

This writ petition has been filed challenging the check slip dated 08.09.2020 issued by the 1st respondent refusing to register the Power of Attorney Deed and seeking a consequential direction to the 1st respondent to register the Power of Attorney Deed and release the registered original power of attorney deed to the petitioner.

2. It is the case of the petitioner that on 05.06.2020 one Neethimani executed a power of attorney in his favour to deal with the property belonging to him and it was presented before the 1st respondent for registration with requisite stamp duty and registration charges on 05.06.2020. Though procedures for registration were over, document was kept pending as P27 as, as per the procedures, the 1st respondent issued a letter on 05.06.2020 requesting for No Objection Certificates from the two other Sub Registrars concerned. Thereafter, on 09.06.2020 an FIR came to be registered against the said Neethimani and his wife in Cr.No.347 of 2020 for the alleged offences under Sections 406, 420, 294(B), 506(ii) of IPC and they were arrested and remanded to judicial custody. The grievance of the petitioner is that though the Sub Registrars of Salem and Madurai informed the 1st respondent that no need to stop registration of the document, the 1st respondent refused to register the Power of Attorney Deed and kept the same as pending document in P27 merely



W.P.No.5130 of 2023

on the basis of a letter from the police which cannot be sustained in the eye of law.

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3. Heard both sides.

4. It is relevant to point out that on 26.04.2024, this court has passed an order in W.P.No.11056 of 2024 [**Subramani v. The Sub Registrar**] holding that registering authority cannot refuse to register the document merely on some letter or communication from the police officials. The relevant paragraph of the order of this court in the case of Subramani (cited supra) reads as follows:-

“As far as the refusal based on the letters from the police is concerned, this Court in the case of R. Madhupriya v Inspector General of Registration reported in 2020 SCC Online Mad 20112 has held that the practice of police officers issuing letters to the Sub-Registrar’s asking them to refrain from registering documents has been consistently deprecated. In such cases, it is for the aggrieved party to obtain appropriate orders from the civil court instead of using the police machinery to prevent the Registrar from performing his statutory functions. Such view of the matter, merely on the basis of some communication from the police officials, the Registrar has no power to refuse the registration”

5. In the light of the above legal position and facts and circumstances of the case, the order impugned in the writ petition whereby the 1st respondent



W.P.No.5130 of 2023

refused to register the Power of Attorney Deed produced by the petitioner for registration is set aside and the 1st respondent-Sub Registrar is directed to receive, if already returned and register the same within a period of fifteen days from the date of receipt of a copy of this order.

With the above direction, the writ petition stands allowed. No costs.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

27..06..2024

To

- 1.The Sub Registrar,
Cheyyur,
Office of the Sub Registrar, Cheyyur,
Chengalpet District.
- 2.The District Registrar,
Office of the District Registrar,
Chengalpet District, Chengalpet.



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W.P.No.5130 of 2023

N.SATHISH KUMAR.J.,
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W.P.No.5130 of 2023

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