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W.P. No. 27473 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P. No.27473 of 2024

Mrs.Chinnammal

..Petitioner

Vs.

The Sub-Registrar
Office of the Sub-Registrar,
Namakkal Joint-I
Namakkal.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for records of the respondent relating to impugned order/refusal check slip in No.RFL/1 Joint Sub Registrar/90/2024 dated 22.8.2024 to quash the same and consequently direct the respondent to forthwith register the General Power of Attorney dated 5.8.2024 without insisting on production of any further documents within the time stipulated by this court

For Petitioner
For Respondent

:Mr.S.Sheik Ismail
: Mr.T.Chezhiyan
Additional Government Pleader

ORDER

By consent of both the learned counsel appearing for the petitioner as



well as respondents, this writ petition is disposed of at the admission stage itself.

2. Aggrieved by the impugned refusal check slip issued by the respondent refusing to register the Power of Attorney dated 05.08.2024 presented for registration, the petitioner has come before this Court by way of this writ petition.

3. According to the petitioner, the property with an extent of 12 cents situated in Survey No.81/1B at Thummangkurichi village, Namakkal District originally belongs to petitioner's maternal grandfather namely Mutha Gounder @ Muthusamy Gounder. He had two wives namely Kuppayi and Marayi. The petitioner is the grand daughter of Marayi through her daughter Bavayi. The petitioner and other legal heirs executed a power deed in favour of one Lakshmi in respect of their 1/6th share in the above mentioned property and the same was refused registration by the respondent on the ground that the petitioner failed to produce the original parent documents.

4. The learned counsel for the petitioner submits that the property originally belongs to petitioner's maternal grandfather, Mutha Gounder @



Muthusamy Gounder and the petitioner is claiming right under law of succession. Therefore, there is no parent registered document for the said property. However, the learned counsel for the petitioner submits that patta in the name of petitioner's maternal grandmother, Marayi is available with her and the same will be produced before the respondent.

5. When the petitioner claims right over the property under succession, she may not be in a position to produce any registered document to prove her title. The title of the petitioner has to be assessed only based on the revenue documents in the name of the persons, forefathers or the person under whom the petitioner is claiming right. As per the case of the petitioner, the property originally belonged to Mutha Gounder @ Muthusamy Gounder. The petitioner is the grand daughter of Mutha Gounder @ Muthusamy Gounder through his 2nd wife Marayi. The petitioner is ready to produce the revenue documents in the name of her maternal grandmother, Marayi before the respondent. In such circumstances, there may not be any impediment for the respondent to consider the power deed for registration. Accordingly, the impugned refusal check slip is set aside and the writ petition stands allowed. The petitioner is directed to



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represent the document along with the patta in the name of her ancestors along with Death Certificate and Legal Heir Certificate before the respondent within a period of two weeks from the date of receipt of copy of this order. If all these documents are produced, the respondent shall consider the document presented for registration if it is otherwise in order. No costs.

20.09.2024

Index : Yes/No
Neutral Citation : Yes/No
nr

To
The Sub-Registrar
Office of the Sub-Registrar,
Namakkal Joint-I
Namakkal.

S.SOUNTHAR, J.
nr



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