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W.P.No.26499 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.26499 of 2024

Geetha

... Petitioner

Vs.

1.The Joint Sub Registrar
Joint 2 Sub Registrar Office,
Gopichettipalayam Taluk, Erode District.

...Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to impugned refusal check slip in RFL/2 No Joint Sub Registrar Gopichettipalayam/43/2024 dated 23.08.2024 issued by the respondent and quash the same and consequently direct the respondent to register the Power deed dated 23.08.2024 executed in favour of Vignesh on re-presentation within stipulated time fixed by this Honourable Court.

For Petitioner : M/s.S.Madhan Kumar

For Respondents : M/s.C.Meera Arumugam, AGP
for the sole respondent.



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ORDER

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Challenging the refusal check slip issued by the respondent herein, the petitioner has filed the above Writ Petition to quash the said order and consequently direct the respondent to register the power deed dated 23.08.2024.

2. The petitioner would submit that the property which is the subject matter of the writ petition belonged to her husband Murugesan who had purchased it under two registered sale deeds dated 21.09.1987 and 29.05.2001. Her husband had passed away intestate on 23.05.2021 leaving behind the petitioner (wife), Sundarambal (Mother) and a minor son Rahul and daughter Hansika. As the petitioner and her mother-in-law are women and the children are minor, they are unable to manage the property. Therefore, they had decided to appoint a power of attorney. On 23.08.2024, the petitioner along with her family members had jointly executed a General Power Deed in favour of one Vignesh. When the said document is presented for registration before the respondent, the same was returned with a refusal check slip stating that “*original title deeds are not produced*”. Challenging the same, the petitioner is before this Court.



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3. Heard the counsels on either side.

4. The reason for the refusal is that the original document had not been filed. This issue is no longer res integra, in the light of the various orders of this Court which clearly states that the registering authority cannot deny registration or refuse to register on the ground that the original document has not been produced. Despite several orders passed by this Court stating that the registering authority should not refuse registration for the want of original document, registering authorities continue to pass the same order. The case on hand is one such instance.

5. Further, Section 22 – A of the Registration Act, which is inserted by Tamil Nadu Act 48 of 1997, sets out the grounds under which the Registering Authority could refuse the registration. The reason that is given in the impugned order does not come within the four corners of the grounds given in Section 22-A of the Registration Act. Therefore, the impugned order is not sustainable. The respondent is duty bound to register the document.



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6. Accordingly, the Writ Petition is allowed. The impugned order dated 23.08.2024 is quashed. The Respondent is directed to register the document, namely, the Power Deed dated 23.08.2024 within a period of 2 weeks, from the date of the same being re-presented. No costs.

15.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Joint Sub Registrar
Joint 2 Sub Registrar Office,
Gopichettipalayam Taluk, Erode District.



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P.T. ASHA. J.,

(shr)

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