



WEB COPY



WP.No.28193 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.28193 of 2021
and W.M.P.No.29799 of 2021

M.Mohamed Bathusha

.. Petitioner

Versus

1.The District Registrar (Administration)
Nagapattinam District

2.The Sub Registrar
Nagapattinam SRO Office
Nagapattinam Taluk & District

3.S.Abdul Gafoor
4.Haja Mohideen

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent in dismissing the petitioners appeal filed u/s section 72 of the Registration act vide his impugned proceedings in Ref. No.338/Aa1/ 2021 dated 5.10.2021 and thereby confirming the refusal check slip issued by the 2nd respondent ref No. RFL/1/Joint Sub-registrar, Nagapattinam/27/2020 dated 13.10.2020 in refusing to register power of attorney dated 22.7.2020 and quash the same as illegal, arbitrary and amounts to abdication of statutory duty and complete non-application of mind and further direct the 2nd respondent register the said



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power of attorney.

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For Petitioner : Mr.R.Veeramani

For Respondents : Mr.J.Ravindran, AAG
assisted by Mr.Yogesh Kannadasan
Special Government Pleader for R1 & 2

No appearance for R3 & R4

ORDER

Challenge has been made as against the order of the first respondent dismissing the petitioner's appeal and confirming the refusal check slip issued by the second respondent, quash the same.

2. It is the case of the writ petitioner that the petitioner was appointed as power agent. When the property was said to be registered in respect of 3/5th share, Civil Court decree is sought to be put against them. Based on that, refusal slip has been issued.

3. The learned counsel for the petitioner would submit that exparte decree in suit for specific performance in O.S.No.6 of 2018 has been set aside and the execution petition is also closed. Now, the suit alone is pending for specific performance in respect of 2/5th share.



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

5. On perusal of the typedset of papers, it would indicate that the exparte decree is already set aside on 18.08.2021. Such view of the matter, the registering authorities cannot refuse to register the document by putting the civil decree against the petitioner.

6. Accordingly, the order dated 05.10.2021 and the refusal checkslip dated 13.10.2020 stand quashed. The petitioner is directed to present the document along with the Principal before the second respondent within a period of 15 days. On such presentation, the respondents after making thorough enquiry register the document in accordance with law within a period of two months thereafter.

7. In view of the above, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition stands closed.

11.06.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

<https://www.mhc.tn.gov.in/judis>



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N. SATHISH KUMAR, J.

dhk

To,

1.The District Registrar (Administration)
Nagapattinam District

2.The Sub Registrar
Nagapattinam SRO Office
Nagapattinam Taluk & District

W.P.No.28193 of 2021

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