



WEB COPY



W.P.No.33021 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03..06..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.33021 of 2023

- 1.Ramachandran
- 2.Hari
- 3.V.M.Sugumaran
- 4.Thirumaran
- 5.Usha
- 6.Rajiniganth
- 7.Anusuya
- 8.Sumathi
- 9.Gayathri

..... Petitioners

-Versus-

- 1.The Sub Registrar,
Velachery Sub Registrar Office,
Chennai District.

- 2.Mrs.Pankajam

[2nd respondent was impleaded suo motu by order
dated 29.11.2023 made in W.P.No.33021 of 2023]

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to
issue a Writ of Certiorarified Mandamus, calling for the records pertaining to



W.P.No.33021 of 2023

the Refusal Check Slip in Refusal Number: RFL/Velacheri/25/2023 dated 05.09.2023 and to quash the same as illegal and incompetent and consequently direct the respondent to receive the General Power of Attorney dated 04.09.2023 executed by the 1st petitioner self and petitioners 2 to 9 herein and register the same.

For Petitioner(s) : Mr.R.Jayaprakash

*For Respondent (s) : Mr.Yogesh Kannadasan,
Special Government Pleader
for R1
Mr.A.Balaji for R2*

ORDER

This writ petition has been filed challenging the Refusal Check Slip issued by the 1st respondent vide Refusal Number: RFL/Velacheri/25/2023 dated 05.09.2023 thereby refusing to register the General Power of Attorney dated 04.09.2023 executed by the petitioner on the ground that the agreement of sale entered into by the petitioner in respect of the subject property is in subsistence.

2. Heard both sides.

3. Though a detailed counter affidavit was filed by the 2nd respondent



W.P.No.33021 of 2023

opposing the writ petition, today, when the matter is taken up for hearing the learned counsel for the 2nd respondent submitted that the dispute between the petitioner and the 2nd respondent has been settled amicably and therefore, the 2nd respondent will not have any objection in allowing the writ petition.

4. Be that as it may, the order impugned in the writ petition cannot be sustained in the eye of law de hors the settlement between the parties. Mere agreement of sale does not create any right though it is registered and there will not be any bar for registration of a further document, lawfully presented for registration by the owner of the property. This aspect of the matter has been elaborately dealt with by a Division Bench of this court in the case of **N.Ramayee vs Sub Registrar, Registration Department and another [2020 (6) CTC 697]**. When the judgement of the Division Bench of this court in Ramayee's case (cited supra) was taken up on appeal by the State, the judgement of the Division Bench of this Court was confirmed by the Hon'ble Supreme Court by its order dated 05.04.2021 made in SLP (C) No.4844 of 2021.

5. This court has been consistently giving a direction to the registering authority not to refuse to register the document unless such documents come under the category enumerated under Section 22-A and 22-B of the



W.P.No.33021 of 2023

Registration Act. Despite the settled legal position, the registering authority has been repeatedly refusing to register the documents and refusal check slips are being issued consistently which act of the registering authority is highly deprecated. Recently, this court by order dated 26.04.2024 made in W.P.No.11056 of 2024 (**Subramani v. Sub Registrar**) has initiated contempt proceedings against the registering authority for disobedience of the orders of this court.

5. In the light of the factual matrix of the case and the settled legal position, this court is of the view that the impugned refusal check slip is liable to be set aside. This writ petition succeeds accordingly.

In the result, the writ petition is allowed. The impugned refusal check slip is set aside. The 1st respondent is directed to register the Deed of General Power of Attorney presented by the petitioner for registration within a period of ten days from the date of receipt of copy of this order. No costs.

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

03..06..2024

To



W.P.No.33021 of 2023

1.The Sub Registrar, Velachery Sub Registrar Office, Chennai District.

WEB COPY

N.SATHISH KUMAR.J.,

kmk

W.P.No.33021 of 2023

03..06..2024



WEB COPY



W.P.No.33021 of 2023