



W.P.No.36798 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 36798 of 2024
&
W.M.P.No.39718 of 2024

P.Sountharam

...Petitioner

Vs.

1.The Sub Registrar
Sub Registrar Office,
Singanallur,
Coimbatore - 641 005

2.N.Deivasigamani

3.D.Rajeshwari

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings dated 29.07.2024 in check Slip



W.P.No.36798 of 2024

No. RFL / Singanallur /11/2024 issued by the 1st respondent and quash the same and consequently direct the 1st respondent to register petitioner's documents dated 29.07.2024.

For Petitioner : M/s.V.S.Usharani

For Respondent 1: Mr. B.Vijay
Additional Government Pleader.

ORDER

The petitioner had purchased two sites bearing E 10 and E 14 measuring an extent of 3500 sq.ft., (8 cents 16 Sq.ft) under a registered sale deed dated 25.03.1996. These plots form a part of the approved layout called “*Valarmathi Nagar – I*”. The sites are comprised in S.F.Nos.26/1 and 22. The entire extent of these survey numbers have been formed into a layout house sites.

2. The petitioner would submit that her husband Periyasamy and herself had executed a power of attorney to one Deivasigamani, giving



W.P.No.36798 of 2027

power to deal with the subject matter of the property. The power of attorney was registered on 10.07.2007.

3. Thereafter, on 05.09.2007, the petitioner's husband had executed a cancellation of power deed. The said cancellation deed was registered. Similarly, the petitioner had also given a cancellation of power which she had also given in favour of the said Deivasigamani. The cancellation was registered on the file of the Sub Registrar, Thingallur.

4. The petitioner would submit that on coming to know about the cancellation of power executed by the petitioner and her deceased husband, the said Deivasigamani executed a sale agreement in favour of his wife on 13.03.2008. The said Deivasigamani executed an agreement claiming to be the power agent of the petitioner and her husband.



WEB COPY



W.P.No.36798 of 2024

5. The petitioner would submit that she executed a sale deed in respect of the aforesaid two properties in favour of N.Murugasamy, son of Natarajan and the same was presented before the 1st respondent for registration on 29.07.2024.

6. The 1st respondent refused to entertain the document stating that the petitioner had to bring the cancellation of the sale agreement dated 13.03.2008 executed between Deivasigamani and Rajeshwari. Aggrieved by the same, the Writ Petition has been filed.

7. Heard the learned counsels on the either side and perused the records.

8. A mere perusal of the reason for refusing to register the document itself is totally erroneous and shows total non application of mind on the part of the 1st respondent. The agreement of sale between Deivasigamani and Rajeswari was executed after the cancellation of the



W.P.No.36798 of 2024

power by the petitioner and her husband. If the said Deivasigamani and Rajeshwari are aggrieved then remedy is to establish the right in the manner known to law. Once the power is cancelled the authority as power agent ceases.

9. Therefore, the Writ Petition is allowed. The impugned refusal check slip is quashed. The 1st respondent shall register the document, within a period of 2 weeks from the date of its representation. Consequently, the connected miscellaneous petition is closed. No costs.

03.12.2024

Index : Yes/No
Internet : Yes/No
kan



W.P.No.36798 of 2024

To

WEB COPY

The Sub Registrar
Sub Registrar Office,
Singanallur,
Coimbatore - 641 005



WEB COPY



W.P.No.36798 of 2024

P.T. ASHA, J,

kan

W.P.No. 36798 of 2024

03.12.2024