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W.P.(MD)NO.5772 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5772 of 2024

P.Thirumani Raja

... Petitioner

Vs.

1. The Sub Registrar,
Ottapidaram, Tuticorin District.

2. The National Agricultural Corporation Marketing
Federation of India Ltd.,
Through its Branch Manager,
Cresant Court, Poonamalli High Road,
Chennai – 600 084.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent dated 29.02.2024 in Ref.RFL/Ottapidaram/15/2024 and quash the same and further directing the respondents to receive and register the power of attorney dated 29.02.2024 in property in S.No.8/2 measuring to an extent of 03.02.02 hectares comprised in patta No.353, Valasudram Village, Ottapidaram Taluk, Tuticorin District and register the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For R-1 : Ms.D.Farjana Ghousia,
Special Government Pleader.

For R-2 : No appearance.

* * *

**ORDER**

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the first respondent.

2. Though the second respondent has been served, they have not entered appearance.

3. The petitioner was granted power of attorney by one Saravanan vide document dated 29.02.2024. It was presented for registration. The registering authority refused registration on the ground that the second respondent had obtained attachment order in E.P.No.76 of 2012 in Arbitration award dated 27.04.2010 on the file a Court in Thoothukudi.

4. It is well settled that by power of attorney, no transfer of interest takes place. Even if the attachment order has been passed, that still cannot come in the way of registering the power of attorney. On this sole ground, the impugned refusal check slip is quashed.

5. The learned counsel appearing for the petitioner would further add that the second respondent had obtained the award against one Kirubakaran and that it appears that the petition mentioned survey number has been wrongly included. It is open to the petitioner to move



the concerned Court. The first respondent is directed to furnish the petitioner with a copy of the aforesaid attachment order. The petitioner is given liberty to move the jurisdictional executing Court for making appropriate correction, if necessary. If any such IA is filed, it shall be numbered immediately by the executing Court and an appropriate order will be passed thereon. Be that as it may, the parties to the documents are permitted to re-present the document and it shall be registered by the first respondent and released subject to the fulfilment of the other usual formalities. This writ petition stands allowed. No costs.

05.04.2024

Index : Yes / No

Internet : Yes/ No

PMU

To:

The Sub Registrar,
Ottapidaram, Tuticorin District.



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4

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G.R.SWAMINATHAN,J.

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