



W.P.(MD)No.6403 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.6403 of 2024

Nagendra Sethupathi

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o. the Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Chennai - 28.

2.The District Registrar,
O/o. the District Registrar,
Registration Department,
Sivagangai,
Sivagangai District.

3.The Sub Registrar,
Paramakudi Sub Registrar Office,
Registration Department,
Paramakudi,
Ramanathapuram District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip in RFL/Paramakudi/Book 2/1



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dated 12.03.2024 passed by the respondent No.3 and quash the same as illegal, consequently directing the respondent No.3 to register the General Power of Attorney Deed dated 08.03.2024 presented by the petitioner.

For Petitioner : Mr.P.Prabakaran
For Respondents : Mr.C.Satheesh,
Govt. Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip in RFL/Paramakudi/Book 2/1 dated 12.03.2024 passed by the respondent No.3 and quash the same as illegal and for a consequential direction, to direct the respondent No.3 to register the General Power of Attorney Deed dated 08.03.2024 presented by the petitioner.

2. It is the grievance of the petitioner that when the petitioner presented a deed of general power of attorney for registration, the same was refused to be registered on the ground that there is a doubt in respect of the title of the property. Challenging the same, the petitioner has filed this Writ petition.



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3. It is the case of the petitioner that the subject property was originally purchased by one Muthurakku Natchiyar and she has executed a registered Will in favour of her daughter Pappammal. After her demise, the legal heirs of Pappammal were executed a General Power of Attorney deed in favour of their brother viz., one Ramachandran. In the meantime, some third parties have crated a forged document and obtained patta in respect of the subject property. Therefore, a power of attorney deed has been executed in favour of the petitioner by all the co-owners mainly for the purposes of filing cases to retrieve the properties. When the said power of attorney deed was presented for the registration, the same was refused to be registered on the ground that there is a doubt in respect of the title of the subject property. Hence, the petitioner has filed this Writ Petition.

4. Considering the facts and circumstances of the case, this Court is of the view that the deed of power of attorney has been executed in favour of the petitioner only for initiating legal action in respect of the subject property. In such view of the matter, the question of proving the title does not arise at all. Hence, the impugned order is liable to be quashed.



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5. Accordingly, this Writ Petition is allowed and the impugned refusal check slip issued by the 3rd respondent dated 12.03.2024 is quashed. The third respondent is directed to register the general power of attorney deed dated 08.03.2024, presented by the petitioner, within a period of one week from the date of receipt of a copy of this order. There shall be no order as to costs.

19.10.2024

NCC : Yes/No
Index : Yes/No
vsm



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