



W.P.(MD)No.4322 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.4322 of 2019
and
W.M.P.(MD)No.16223 of 2023

T.Jeyamari

...Petitioner

-Vs-

1.The Sub Registrar,
Sayalkudi,
Ramanathapuram District.

2.S.Rajagopal
3.P.Karuppasamy

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the returned memo dated 07.11.2017 on the file of the first respondent herein and quash the same and further direct the first respondent to register the petitioner's document dated 08.05.2017.

For Petitioner

: Mr.M.Sridharan

For Respondents

: Mr.S.P.Maharajan
Special Government Pleader for R1
Mr.P.Arunjayathram for R2
Mr.K.Kumaravel for R3



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ORDER

This writ petition has been filed challenging the refusal check slip issued by the first respondent, dated 07.11.2017 on the ground that at the time of presenting the sale deed, the power of attorney was cancelled on 28.06.2017 registered vide document No.495 of 2017.

2.The property comprised in survey No.322/2A2, Patta No.624 to an extent on 5076 sq. ft. situated at Sayalkudi Village, Ramanathapuram District belongs to the second respondent herein. In order to deal with the subject property, he had executed a general power of attorney in favour of the third respondent dated 13.10.2003 registered vide document No.149 of 2003. On the strength of the power of attorney, he had entered into an agreement for sale deed with the petitioner dated 19.11.2003 in respect of the subject property, on receipt of advance amount to the tune of Rs.30,000/- out of Rs.70,000/- total sale consideration.

3.Thereafter, no sale deed was executed for a period of three years as agreed by the parties, i.e.,the petitioner and the third respondent. Thereafter, on 08.05.2017, the power holder, namely, the third respondent had executed the



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sale deed in favour of the petitioner in respect of the subject property. It was presented for registration only on 07.11.2017 before the first respondent. By that time, the power of attorney executed in favour of the third respondent was cancelled by the second respondent by sale deed dated 28.06.2017 registered vide document No.495 of 2017. Therefore, the first respondent has refused to register the sale deed which was presented for registration on 08.05.2017.

4.A perusal of the recital of the sale deed reveals that there is no recital to the effect that the balance sale consideration of Rs.40,000/- was paid to the power holder or to the principal. That apart, there is absolutely no reason to believe that the sale deed was presented for registration on 07.11.2017 with any valid reason. That apart, an agreement was executed on 19.11.2003 after a period of 14 years. The sale deed was executed by the power holder in favour of the petitioner. Further, the sale deed was presented on the last day of 6 months expired i.e., 07.11.2017.

5.The residual of the sale deed was also reflected that on the date of presentation of the sale deed, the power of attorney was in force. But the power of attorney has already cancelled by the second respondent on 28.06.2017 itself registered vide document No.495 of 2017.



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6. In view of the above, the first respondent has rightly refused to register the sale deed. Therefore, this Court finds no illegality or infirmity in the order passed by the first respondent. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

27.11.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

The Sub Registrar,
Sayalkudi,
Ramanathapuram District.



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G.K.ILANTHIRAIYAN. J,

RJR

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