



W.P(MD)No.12515 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12515 of 2024

P.Balasubramanian

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome Road,
St.George Ft,
Chennai-9.

2.The District Registrar,
Tenkasi,
Tenkasi District.

3.The Sub Registrar,
North Veeravanallur,
Tenkasi,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 3rd Respondent made in RFL/North Veeravanallur/9/2024 dated 03.06.2024 and quash the same as illegal and consequently direct the 3rd respondent to Register the judgment made in SLP(C) No.19658 of 2023 dated 12.01.2024 on the file of the Honourable Supreme Court in confirming the orders passed in S.A.(MD).No.206 of 2016 dated 13.02.2023 by this Court in confirming A.S.No.67 of 2015 dated



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13.07.2016 by the Principal District Court, Tirunelveli and Decree and Judgment of O.S.No.69 of 2011 dated 15.04.2015 on the file of the Subordinate Court, Ambasamuthram.

For Petitioner : Mr.N.S.Karthikeyan

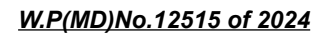
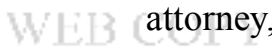
For Respondents : Mr.R.Ragavendran
Government Advocate

ORDER

Heard both sides.

2. The petitioner wants to register the petition mentioned court orders. Citing Section 33(1)(a) of the Registration Act, 1908, registration was refused. Challenging the same, this writ petition came to be filed.

3. It is seen that one Arunsankar Karunanithi filed O.S.No.69 of 2011 against one Muthulakshmi and another for the relief of declaration. The suit was dismissed on 15.04.2015. Questioning the same, the plaintiff filed A.S.No. 67 of 2015 before the Principal District Judge, Tirunelveli. The appeal was also dismissed on 13.07.2016. S.A.(MD)No.706 of 2016 was dismissed on 13.02.2023. S.L.P.No.19658 of 2023 was dismissed by the Hon'ble Supreme Court on 12.01.2024. Muthulakshmi / successful party executed the registered power of attorney dated 22.05.2024 in favour of the petitioner. It was



(a) of the Act reads as follows:-

(1) For the purposes of section 32, the following powers-of-attorney shall alone be recognized, namely:—

(a) if the principal at the time of executing the power-of-attorney resides in any part of 1 [India] in which this Act is for the time being in force, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides; ”

4. Muthulakshmi is presently residing in T.Nagar. The power of attorney was registered on the file of the Sub Registrar, T.Nagar. Thus, the requirement set out in Section 33(1)(a) is more than fulfilled. The stand of the third respondent is patently un-acceptable. The petitioner is definitely competent to present the document for registration in his capacity as power of attorney. In view of Section 33(1)(a) of the Act, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the document before the third respondent. It shall be registered. The Writ Petition is allowed. No costs.

16.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

NOTE: Issue Order Copy on 23.07.2024



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G.R.SWAMINATHAN, J.

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To

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Santhome Road,
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2.The District Registrar,
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