



W.P(MD)No.15103 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.15103 of 2023

Alavudeen

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate, Chennai-600 028.

2.The District Registrar,
O/o. District Registrar,
Registration Department,
Tirunelveli, Tirunelveli District.

3.The Sub Registrar,
Sub Registrar Office,
Moolaikkaraipatti, Tirunelveli 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 impugned refusal check slip in Refusal Number:RFL/Moolakkaraipatti/28/2023, dated 13.06.2023 issued by the 3rd respondent and quash the same as illegal and consequently, to direct the 3rd respondent to register the General Power of Attorney dated 13.06.2023 presented by the petitioner.



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For Petitioner : Mr.M.U.Shameem John
For Respondents : Mr.P.Subbaraj,
Special Government Pleader

ORDER

Challenge has been made to the refusal check slip issued by the 3rd respondent dated 13.06.2023.

2.According to the petitioner, he is the owner of the property in Survey No.92/2, Moolaikkaraipatti Village, Part-I, Tirunelveli District and he executed a general power of attorney deed in favour of one Pakkir Mohideen Shafraz and presented the same for registration. However, it was refused by the 3rd respondent, vide refusal check slip dated 13.06.2023, stating that during the period of special auditing ie., from 01.10.2022 to 09.06.2023, it was found that the document registered in respect of the property in question is against the provision of Section 22-A(2) of Registration Act. Therefore, challenging the same, the petitioner has filed this Writ Petition.

3.At the outset, it is not the case that the agricultural land has been converted into house sites and registered. In the document submitted by the



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petitioner for registration, what is sought to be registered is only the power of attorney. Therefore, citing the bar contains in Section 220A of the Registration Act, registration cannot be refused.

4.In such view of the matter, the refusal made by the 3rd respondent cannot be sustained in the eye of law. Therefore, the same is liable to be quashed, accordingly, it is quashed. The 3rd respondent is directed to register the document presented by the petitioner, within a period of one week from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is allowed. No costs.

30.08.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate, Chennai-600 028.



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2.The District Registrar,
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3.The Sub Registrar,
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Moolaikkaraipatti, Tirunelveli District.



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N.SATHISH KUMAR, J

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