



W.P(MD).No.21205 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.21205 of 2024

A.M.Eshwaramoorthy

... Petitioner

Vs.,

The Sub Registrar,
Sub Registrar Office,
Bodinayakkanur,
Theni District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned refusal check slip in RFL/Bodinayakkanur/60/2024 dated 27.08.2024 issued by the respondent and quash the same as illegal and consequently direct the respondent to register the petitioner's power of attorney submitted before the respondent office dated 27.08.2024 on the basis of patta and original Will in favour of the petitioner within stipulated time fixed by this Court.

For Petitioner : Mr.S.Ayyanar Premkumar
For Respondent : Mr.M.Siddharthan
Additional Government Pleader



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ORDER

This writ petition has been filed to quash the impugned refusal check slip in RFL/Bodinayakkanur/60/2024, dated 27.08.2024, issued by the respondent with consequential direction to the respondent to register the petitioner's power of attorney submitted before the respondent office dated 27.08.2024 on the basis of patta and original Will in favour of the petitioner within stipulated time fixed by this Court.

2. Heard Mr.S.Ayyanar Premkumar, learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader, who takes notice on behalf of the respondent.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The case of the petitioner is that his mother executed a registered Will in favour of him vide Doc No.120 of 2023, dated 15.11.2023, in respect of the subject property in S.F.No.147/1A to an extent of 98 cents situated at



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Bodinayakkanur Village, Theni District. Thereafter, his mother died.

Subsequently, the petitioner is in possession and enjoyment of the subject property. Since the petitioner was working at Coimbatore, he was unable to maintain the said property. Hence, he intended to execute a power of attorney in favour of one C.Selvaganapathi and in this regard, he approached the respondent along with all relevant documents to register the power of attorney executed by him. But, the respondent refused to register the same vide impugned refusal check slip in RFL/Bodinayakkanur/60/2024 dated 27.08.2024, on the ground that the name of the predecessor differs in the original document. Hence, the petitioner is before this Court.

5. At the outset, the impugned order is not sustainable in the eye of law. When the relevant title document describing all the names in the sale deed and Will is presented by the petitioner for registration of the power deed, the respondent cannot refuse to register the same. Accordingly, the impugned check slip in RFL/Bodinayakkanur/60/2024 dated 27.08.2024 passed by the respondent is hereby set aside and the respondent shall register the petition mentioned document within a week from the date of receipt of a copy of this order.



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

05.09.2024

NCC : Yes/No
Index : Yes/No
Rmk

To
The Sub Registrar,
Sub Registrar Office,
Bodinayakkanur,
Theni District.



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N.SATHISH KUMAR, J.

Rmk

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