



W.P.(MD)No.25605 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.10.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.25605 of 2024

and

W.M.P.(MD)No.21714 of 2024

Dhanapal

... Petitioner

/Vs./

The Joint Sub Registrar No.3,
Office of the Joint Sub Registrar No.3,
Trichy.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Refusal Check Slip issued by the Respondent vide RFL/3 Joint Sub Registrar Trichy 107/2024 dated 30.08.2024 and quash the same as illegal and consequently directing the respondent to register the document presented by the petitioner within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu

For Respondent : Mr.P.Subbaraj

Special Government Pleader



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ORDER

This writ petition has been filed challenging the refusal check slip dated 30.08.2024 issued by the respondent, under which the power of attorney presented by the petitioner has been refused to be registered on the ground that the petitioner did not produce the regularization order in respect of the subject plots.

2. Heard Mr.B.Jameel Arasu, learned counsel appearing for the petitioner, and Mr.P.Subbaraj, learned Special Government Pleader appearing for the respondent.

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

4. Admittedly, as seen from the averments contained in the affidavit filed in support of this writ petition, several plots in the very



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same survey number were earlier sold through registered sale deeds, which is also not disputed by the learned Special Government Pleader appearing for the respondent. The petitioner has presented a power of attorney in respect of two remaining unsold plots, which has been refused to be registered under the impugned refusal check slip.

5. The learned counsel appearing for the petitioner drew the attention of this Court to the order dated 08.08.2024 passed by a learned Single Judge of this Court in WP(MD)No.7334 of 2018, wherein a similar issue was considered and the learned Single Judge has held that the authorities cannot insist upon the production of the regularization order, when several plots in the very same survey number were registered as house sites prior to the introduction of Section 22A of the Registration Act, 1908, which came into effect on 20.10.2016.

6. In the case on hand, even prior to coming into force of Section 22A of the Registration Act, 1908, several documents pertaining to the very same survey number were registered by the respondent. Therefore, if the petitioner alone is discriminated, it would amount to violation of



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the petitioner's constitutional right guaranteed under Article 300A of the Constitution of India. Section 22A of the Registration Act, 1908, cannot have retrospective operation and the said section cannot be enforced, when several plots in the same survey number as the survey number disclosed in the power of attorney presented by the petitioner for registration were earlier allowed to be registered.

7. For the foregoing reasons, this Court is of the considered view that by total non-application of mind to the fact that several documents were allowed to be registered by the respondent earlier, involving the very same survey number, the respondent has arbitrarily refused to register the power of attorney presented by the petitioner for registration. In view of the same, the impugned refusal check slip issued by the respondent dated 30.08.2024 has to be quashed and the writ petition will have to be allowed

8. Accordingly, the impugned refusal check slip issued by the respondent dated 30.08.2024 is hereby quashed and the writ petition is allowed by directing the respondent to register the power of attorney



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presented by the petitioner for registration, if the same is otherwise in order, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

25.10.2024

Index : Yes / No
NCC : Yes / No
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TO:-

The Joint Sub Registrar No.3,
Office of the Joint Sub Registrar No.3,
Trichy.



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ABDUL QUDDHOSE, J.

Sm

Order made in
W.P.(MD)No.25605 of 2024

Dated:
25.10.2024