



WP(MD). No.26173 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 10/09/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.26173 of 2023

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... Petitioner

Vs

1. The Sub Registrar,
Office of Sub Registrar Office,
Ponnamaravathi,
Pudhukottai District..

2. Lakshmanan P L,
S/o.Palaniappan,
No.D-4, Sathiyasai
Balaji Tower,
North Vistharippu,
Subramaniapuram 7th Street,
Karaikudi Taluk,
Sivagangai District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to register the deed of gift settlement presented by the petitioner on 12.10.2023 with the office of the 1st respondent in T.P.No. 158219506/2023 in respect of the petitioner property in Resurvey No.



WP(MD). No.26173 of 2023

1034/1A1A to an extent of Hectare 1 Ares 64.75 and Resurvey No. 1034/2A1 to an extent of 86.50 Ares situated at Vaarpattu Village, Ponnamaravathi Taluk, Pudukkottai District, within the period stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu,
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The writ petition has been filed for a mandamus directing the 1st respondent to register the deed of gift settlement presented by the petitioner on 12.10.2023 with the office of the 1st respondent in T.P.No. 158219506/2023 in respect of the petitioner property in Resurvey No. 1034/1A1A to an extent of Hectare 1 Ares 64.75 and Resurvey No. 1034/2A1 to an extent of 86.50 Ares situated at Vaarpattu Village, Ponnamaravathi Taluk, Pudukkottai District, within the period stipulated by this Court.

2. The case of the petitioner is that larger extent of property was owned by the petitioner. He has executed general power of attorney dated 07.02.2020 in favour of the 2nd respondent. Pursuant to the said power,



WP(MD). No.26173 of 2023

he has sold 50 cents of land on 01.06.2020 without the knowledge of the petitioner. As the consideration has not been paid to the petitioner, the power of attorney has been cancelled on 02.03.2021. Challenging the said cancellation, a suit has been filed in OS No.121/2023 on the file of the District Munsif cum Judicial Magistrate, Ponnamaravathi. Therefore, the petitioner presented the settlement deed in respect of the remaining property. The same has been refused to be registered citing the pendency of the suit.

3. I have considered the rival submissions and perused the materials available on record.

4. At the outset, this Court is of the view that mere pendency of the suit is not a ground to refuse to register the document and further the very suit itself is filed against the cancellation of power of attorney.

5. In such view of the matter, there cannot be any impediment for the 1st respondent to register the document. Accordingly, there shall be a direction to the 1st respondent to register the settlement deed whenever



WP(MD). No.26173 of 2023

the same is presented for registration. The said exercise shall be completed within a period of ten days from the date of such presentation.

6. The writ petition is disposed of with the above direction. No costs.

10.09.2024

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TO

1. The Sub Registrar,
Office of Sub Registrar Office,
Ponnamaravathi,
Pudhukottai District..



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WP(MD). No.26173 of 2023

N.SATHISH KUMAR,J

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**ORDER
IN
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Date : 10/09/2024