



W.P(MD)No.3652 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3652 of 2024

R.Soosairaj

... Petitioner

Vs.

1.The District Registrar (Registration),
Dindigul District, Dindigul.

2.The Sub Registrar,
Joint Sub Registrar Office No.II,
Dindigul, Dindigul 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 2nd Respondent to register and release petitioner's power of attorney deed in the light of the Petitioner representation dated 28.11.2023 in respect of land situated in Thottanuthu Revenue Village, Dindigul East Taluk, Dindigul District in Survey Nos.756/1B, 771/1J, 772/5, 773/11, 773/2, 773/6 and 771/1F.

For Petitioner : Mr.C.M.Ganesan

For Respondents : Mr.D.S.Needuchezhiyan,
Government Advocate.



W.P(MD)No.3652 of 2024

WEB COPY

ORDER

Heard both sides.

2.The petitioner had executed a power of attorney in favour of one Anbu on 08.12.2023 in respect of the petition mentioned property. It was presented for registration before the second respondent. The second respondent declined to entertain the document. That led to the filing of this writ petition.

3.When the matter was taken up for hearing, the learned Government Advocate clarified that the property stands in the name of one Sirumani. There is nothing on record to show that the said Sirumani and Thiru.Rajasekarn, the father of the petitioner are one and same. It is for the petitioner to produce proof that they are one and the same.

4.That is not sufficient. Rajasekarn's death certificate must be produced. His legal heirs certificate must also be produced. If there are other legal heirs apart from the petitioner, then, the petitioner has to necessarily obtain their consent. Of course, the petitioner relies on the Will dated 05.08.2014. It is an unregistered document. Unless the same has been established in the manner



W.P(MD)No.3652 of 2024

known to law, the registering authority cannot be expected to act on the same.

Thus, there are several legal impediments before the second respondent. Copy of the instructions given to the learned Government Advocate has been served on the learned counsel for the petitioner. The petitioner must address all those concerns expressed by the second respondent. Only thereafter, the power of attorney projected in this writ petition can be registered and not till then.

5. With this liberty to the petitioner, this writ petition is dismissed. No costs.

19.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:

1. The District Registrar (Registration),
Dindigul District, Dindigul.
2. The Sub Registrar,
Joint Sub Registrar Office No.II,
Dindigul, Dindigul District.



WEB COPY



W.P(MD)No.3652 of 2024

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.3652 of 2024

19.02.2024