

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-7390-2023
Date of Decision: 23.01.2024

VIRENDER KUMAR

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Divyam Singh, Advocate
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G., Haryana
for respondents No.1 to 3.

Mr. Sukhdev Singh, Advocate
for respondents No.4 to 7.

VINOD S. BHARDWAJ, J. (ORAL)

Present petition has been filed for seeking direction to respondent No.3 - Sub-Registrar-cum-Tehsildar, Gharaunda, District Karnal to register the Power of Attorney submitted by the petitioner and/or in the alternative to decide the application dated 20.01.2023 as submitted by the petitioner as per the provisions of the Registration Act, 1908.

Learned counsel for the petitioner contends that the petitioner is a resident of District Karnal and as the performa respondent No.4 intended to execute a Power of Attorney in favour of the petitioner, they approached the office of Sub-Registrar-cum-Tehsildar, Gharaunda, District Karnal for registration thereof vide application dated 20.01.2023. The respondent No.3 has, however, mentioned that the Power of Attorney has not been executed between the blood relations. He sought for comments from the Registrar-cum-Deputy Commissioner, Karnal. The matter has since then been pending. The petitioner in the meanwhile sought information under the Right to Information

Act, 2005 as to whether a Power of Attorney can be executed and registered between two persons, who are not in blood relation. As per the reply furnished by the respondents, there is no prohibition of execution and registration of a Power of Attorney in favour of two persons who are not related by blood.

Counsel contends that he would be satisfied at this juncture in case the respondent No.3- Sub-Registrar-cum-Tehsildar, Gharaunda, District Karnal is directed to treat the present petition as a representation and to take final decision thereupon by passing a reasoned and speaking order for either accepting or rejecting the Power of Attorney presented by the petitioner for its registration as per the provisions of the Registrations Act, 1908.

Learned State Counsel has no objection to the same.

Accordingly, with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of with a direction to respondent No.3 - Sub-Registrar-cum-Tehsildar, Gharaunda, District Karnal to treat the present petition as a representation and to take final decision thereupon with regard to registration of the Power of Attorney submitted by the petitioner before him after affording an opportunity of hearing to the respective parties within a period of three months of the receipt of certified copy of this order.

Disposed of accordingly.

JANUARY 23, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No