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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition Nos.4780, 4782 & 4784 of 2025

M/s.Arihabt Foundations and Housing Limited
A Company incorporated under the provisions of the
Companies Act, 1956
Rep. Herein by its Director
Mr.Bharathkumar Mangilal Jain
Having its registered office at
New No.3, Old No.25, Ganapathy Colony
3rd Lane, Off, Cenotaph Rd, Teynampet
Chennai, Tamil Nadu 600018.

.... Petitioner
in All WPs

-Vs-

- 1.The State of Tamil Nadu
Rep.by its Principal Secretary
Commercial Taxes and Excise Department
Fort St.George, Chennai 600 009.
- 2.The Inspector General of Registration
100, Santhome High Road, Mylapore
Chennai, Tamil Nadu-600028.
- 3.The District Registrar
No.10, Kancheepuram High Road
Chengalpet-603002.
- 4.The Sub Registrar
No.29, South Mada Street
Thiruporur-603110.



5.Mr.A.V.Krishnan

6.Mr.R.Raghavan

7.Mrs.R.Vasanthalakshmi

.. Respondents

in All WPs

Prayer in WP.No.4780 of 2025 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Refusal Slip bearing No.No.RFL/Thiruporur/73/2024 dated 14.12.2024 quash the same and direct the fourth respondent to register the Sale Deed dated 14.12.2024 in T.P.No.203833900/2024 executed by the petitioner in favour of the prospective purchaser without insisting on the Life Certificate of the fifth to seventh respondents and grant any other reliefs.

Prayer in WP.No.4782 of 2025 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Refusal Slip bearing No.No.RFL/Thiruporur/69/2024 dated 07.12.2024 quash the same and direct the fourth respondent to register the Sale Deed dated 07.12.2024 in T.P.No.203095258/2024 executed by the petitioner in favour of the prospective purchaser without insisting on the Life Certificate of the fifth to seventh respondents and grant any other reliefs.

Prayer in WP.No.4784 of 2025 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Refusal Slip bearing No.No.RFL/Thiruporur/74/2024 dated 14.12.2024 quash the same and direct the fourth respondent to register the Sale Deed dated 14.12.2024 in T.P.No.203827782/2024 executed by the petitioner in favour of the prospective purchaser without insisting on the Life Certificate of the fifth to seventh respondents and grant any other reliefs.



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For Petitioner : Mr.G.Vivekanand
(All WPs)

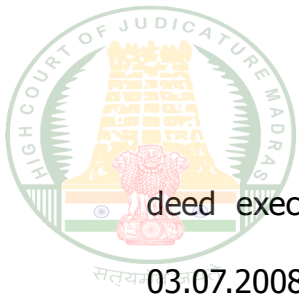
For Respondents : Mr.U.Baranidharan
(All WPs) Special Government Pleader
for R1 to R4

COMMON ORDER

These writ petitions have been filed challenging the refusal check slip issued by the 4th respondent – Sub Registrar and for a consequential direction to the 4th respondent to register the sale deed executed by the petitioner in favour of the prospective purchaser without insisting for a life certificate of respondents 5 to 7.

2.Heard Mr.G.Vivekanand, learned counsel for the petitioner and Mr.U.Baranidharan, learned Special Government Pleader for R1 to R4.

3.The case of the petitioner is that respondents 5 to 7 are the absolute owners of the subject property and they were desirous of developing the property into residential apartments. They approached the petitioner for the joint development of the property and the parties entered into an agreement. The respondents 5 to 7 also executed a general power of attorney document dated 01.06.2006 in favour of the petitioner to sell 76% of the undivided share of the land including the power to alienate the same to anyone. There were some errors which led to a rectification



deed executed and after carrying out the rectification, power of attorney dated 03.07.2008 was executed in favour of the petitioner. As per this power of attorney document, the petitioner is entitled to enter into agreement with any purchaser with regard to schedule B property.

4.The petitioner acted upon the said power of attorney document and presented the same for registration before the 4th respondent. The 4th respondent by virtue of the refusal check slip, refused to register the document on the ground that the petitioner did not present the life certificate of respondents 5 to 7. It is under these circumstances, the present writ petitions came to be filed before this Court.

5.It is seen from records that the petitioner has acted upon the development agreement and the power of attorney document and has invested significant amounts in the project. Thereafter, there was some dispute between the petitioner and the private respondents. In view of the same, respondents 5 to 7 were taking steps to revoke and cancel the power of attorney executed in favour of the petitioner in the year 2008. Hence, the petitioner filed a petition under Section 9 of the Arbitration and Conciliation Act, 1996 in OA.No.989 of 2024, restraining respondents 5 to 7, from revoking the power of attorney document. This Court by an order dated 20.12.2024, granted interim injunction and the same is being extended from time to time and this petition is pending. In the light of this development, the petitioner was not able to get



the life certificate from respondents 5 to 7.

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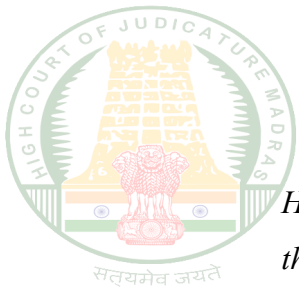
6. This Court had an occasion to deal with a similar issue in ***Ozone Homes Private Limited, rep. by its Authorised Signatory K. Krishnan .Vs. Inspector General of Registration and Others*** reported in ***2020 SCC Mad 11416*** and the relevant portions are extracted hereunder:

2. It is seen from records that the petitioner has already approached this Court by filing W.P.No.32593 of 2018 and W.P.No.19215 of 2018 for a similar prayer. It will be beneficial to extract the order passed by this Court in W.P.No.19215 of 2019 hereunder:

“2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. The grievance of the petitioner herein is that based on the Power of Attorney documents executed by land owner in favour of the petitioner he sought for Registration of the documents No. 37/19 and 117/19 before the 2nd respondent. The documents were not accepted for Registration. The 3rd Respondent who is the Principal of the petitioner due to subsequent misunderstanding between the petitioner and the 3rd Respondent has refused to give Life Certificate. Hence, the present Writ Petition seeking direction the nature of Mandamus, to direct the 2nd Respondent to complete the Registration formalities of the pending Sale Deeds Document No. 37/19 and 117/19 on the file of the 2nd Respondent dated 06.03.2019 and 01.07.2019 respectively.

4. The principal who is the 3rd Respondent herein has filed a counter objecting the Writ Petition on the ground that the Power of Attorney Deed is longer in force. By virtue of Section 207 of the Indian Contracts Act, the Power of Attorney Deed has been implicit revoked.



Hence, the documents presented by the Agent has been rightly returned by the 2nd Respondent.

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7.The learned Special Government Pleader appearing on behalf of the official respondents submitted that a Circular was issued on 04.04.2013, wherein it was made mandatory to insist for life certificate whenever a power agent executes any document pursuant to the power of attorney executed in his favour. This Circular became a subject matter of challenge and ultimately the matter reached the Division Bench of this Court in WP(MD).No.9382 of 2013 and the Division Bench by an order dated 13.06.2014 upheld the Circular. The same was put to challenge before the Apex Court in SLP (Civil) No.30483 of 2014. This SLP was disposed of by an order dated 03.08.2015 and the judgment of the Division Bench was not interfered. The learned Special Government Pleader also brought to the notice of this Court the order passed by the Division Bench in WA(MD).Nos.998 & 998 of 2015 dated 30.11.2015 and submitted that an agent while presenting the document for registration cannot insist for the registration of the document without the production of the life certificate, for reasons whatsoever.

8.In the considered view of this Court, the very insistence of a life certificate is only to ensure that the principal who executed the power is alive. The scope of the life certificate cannot go beyond this. If the principal wants to prevent the agent from dealing with the property pursuant to the power of attorney executed in his favour, the



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principal has to cancel the power or the principal must approach the competent Court and workout the remedy. If the power of attorney document stands good and inspite of the same, the principal refuses to issue life certificate due to some dispute , that virtually prevents the agent from acting upon the power of attorney document. This is more so in a case where the agency is couple with interest. Such a scenario was never contemplated when the Circular was issued insisting for a life certificate. This Circular does not have anything to do with an inter se dispute between the principal and the agent and this Circular confines itself to find out if the principal is alive on the date of presentation of the document by the agent.

9.In view of the above, I am inclined to follow the earlier order passed in *Ozone Homes Primate limited* referred supra. Considering the peculiar facts of this case where the principal had attempted to cancel the power of attorney document and the same was injuncted by this Court in the pending application in OA.No.989 of 2024, it is quite clear that respondents 5 to 7 are very much alive. Therefore, insisting for a life certificate in such a scenario will defeat the very purpose for which such a Circular was issued by the IG of Registration.

10.The upshot of the above discussion is that respondents 5 to 7 are very much alive and power of attorney document that was executed by them in favour of the petitioner is very much in force and therefore the petitioner can very well go ahead by



acting upon the power of attorney document and presenting documents for registration before the 4th respondent.

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11.It is made clear that this order cannot be cited as a precedent in every case where the document is refused to be registered for non-production of life certificate. This order is passed in the peculiar facts of this case and it cannot be taken as a general proposition that the registering authority will register the documents inspite of the non-production of the life certificate from the principal.

12.In the result, these writ petitions are allowed and there shall be a direction to the 4th respondent to accept and register documents presented for registration by the petitioner, if it is otherwise in order. It is also made clear that the inter se dispute between the petitioner and the respondents 5 to 7 has not been dealt with in this writ petition and it will be independently worked out by the parties before the appropriate forum. No costs.

25.02.2025

Index : Yes/No
NCS : Yes/No
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To

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State of Tamil Nadu
Commercial Taxes and Excise Department
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N.ANAND VENKATESH, J.
KP

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