



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-03-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 8808 of 2025

1. M/S.WESTBURY HOSPITALITY

PVT LTD

Rep By Its Director Abhishek Luthra

S/o.Vipin Luthra, 1202b , Antriksh

Bhawan, 22, K.G. Marg, New Delhi-

110 001.

Petitioner(s)

Vs

1. The District Registrar

Krishnagiri District, Krishnagiri.

2.The Sub Registrar

Bagalur.

3.Srinivas Krishnappa

S/o. Biddappan Krishnappa, No.30,

2nd Cross Ayyappa Garden,

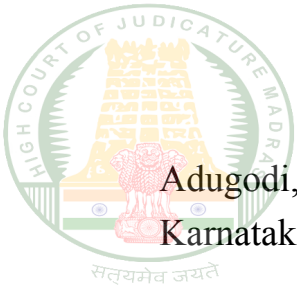
Adugodi, Bengaluru-560 030,

Karnataka.

4.Rohith Krishnappa

S/o. B.Krishnappa, Door No.30,

Ayyappa Garden, 2nd Cross



Adugodi, Bengaluru-560 030,
Karnataka.

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5. Munnireddy, Yellareddy
S/o. Yellareddy, G.Agraharam Village,
Bagalur Post, Hosur Taluk,
Krishnagiri District- 635 103.

Respondent(s)

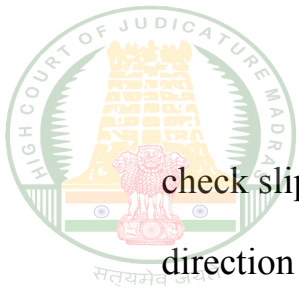
PRAYER

Writ petition filed under Article 226 of Constitution of India to call for records relating to the Refusal check Slip No. 1/ 2025, dated 04.03.2025, issued by the 2nd Respondent and quash the same as illegal and arbitrary and consequently direct the 1st and 2nd Respondents to entertain the sale deed dated 21.02.2025 prescribed by the petitioner for registration and register the same without insisting of the Life Certificate of the 3rd, 4th and 5th Respondents and also to entertain such other deeds or documents, including but not limited to sale deeds, etc., to be presented by the petitioner by virtue of the General power of Attorney 18.01.2024, registered as Document No.765 of 2024 on the file of Sub Registrar Hosur, and register the same without insisting upon the life certificate of the 3rd, 4th and 5th Respondents and pass orders.

WP No. 8808 of 2025

For Petitioner(s): S.Agilesh Kumar
For Respondent: B.Vijay, Additional Government
Pleader for R1 and R2

ORDER



check slip issued by the 2nd respondent dated 04.03.2025 and for a consequential direction to the respondents 1 and 2 to entertain the sale deed dated 21.02.2025 presented for registration by the petitioner without insisting for the life certificate of the respondents 3, 4 and 5, based on the general power of attorney executed in favour of the petitioner on 18.01.2024 registered as document No.765 of 2025.

2. Heard S.Agilesh Kumar, learned counsel for the petitioner and B.Vijay, learned Additional Government Pleader for Respondents 1 and 2.

3. The Sale deed has been refused to be registered by the 2nd respondent only on the ground that the petitioner did not submit the life certificate of respondents 3 to 5.

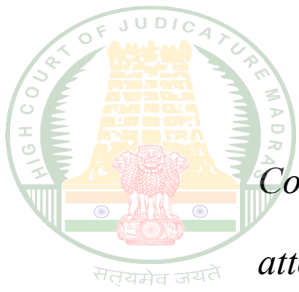
4. The petitioner came into the scene as a promoter of a project. The respondents 3 to 5 entered into a development agreement with the petitioner and also executed a general power of attorney in favour of the petitioner. Thereafter, there was a dispute between the parties and the arbitration proceedings are pending. Under such circumstances, the petitioner was not in a position to get the life certificate and had presented a document for registration in their capacity as the Power of Attorney Agent. The further case of the petitioner is that the agency is coupled with interest.



5. The issue that is involved in the present writ petition is squarely covered by the earlier order passed by this Court in WP No.4780 etc., of 2025 dated 21.02.2024. The relevant portions are extracted hereunder :-

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 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.

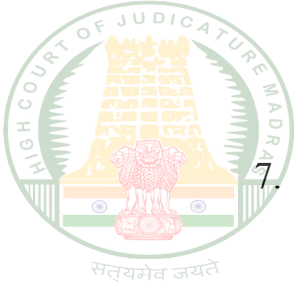


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Considering the peculiar facts of this case where the principal had attempted to cancel the power of attorney document and the same was enjoined by this Court in the pending application in OA.No.989 of 2024, it is quite clear that respondents 5 to 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.

6. In view of the above, this Court holds that the Principal who had executed the power of attorney in favour of the petitioner are very much alive and there is a dispute between the principal and the agent. Under such circumstances, it is virtually impossible for the agent to produce the life certificate. Hence, the same cannot be made as a ground for refusing to register the document. Accordingly, the impugned refusal check slip dated 21.02.2025 issued by the 2nd respondent is hereby quashed. The 2nd respondent shall register the sale deed, if it is otherwise in order.

7. 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.



7. This writ petition is allowed with the above directions. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The District Registrar

Krishnagiri District, Krishnagiri.

2. The Sub Registrar

Bagalur.



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WP No. 8808 of 2025



N.ANAND VENKATESH J.

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WP No. 8808 of 2025