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W.P.No.20963 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.20963 of 2025

M/s.Pioneer Engineering Syndicate
Represented by its Managing Partner
and Power Agent
Uppalapatti Anjaneya Vara Prasad,
No.15, Road No.2, Castle Crest ,
Castle Hills Colony, Masab Tank,
Hyderabad,
Telangana - 500 057.

Petitioner

Vs

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinampakkam,
Raja Annamalaipuram,
Chennai – 600 028.

2.The District Registrar (Administration)
Coimbatore.

3.The Sub Registrar
Office of the Sub Registrar,
Annur.

Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 3rd respondent pertaining to the refusal check Slip No. RFL/ANNUR/ BOOK 2/ 4 dated 17.05.2025 and quash the same and consequently direct the 3rd respondent to register the Deed of Irrevocable General Power of Attorney in pending Doc.No.P/ANNUR/72/ 2025 and to handover the same duly registered to the petitioner.

For Petitioner : Mr.T.Sai Krishnan

For Respondents : Mr.U.Baranidharan
Special Government Pleader

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2.The present writ petition is filed praying for a Certiorarified Mandamus, challenging the refusal check Slip No.RFL/ANNUR/BOOK2/4 dated 17.05.2025 passed by the 3rd respondent and consequently direct the 3rd respondent to register the Deed of Irrevocable General Power of Attorney in pending Doc.No.P/ANNUR/72/2025 and to handover the same to the petitioner.



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3. At the outset, learned Additional Government Pleader for the respondents would submit that disputed questions of fact are involved and would therefore submit that it is only appropriate that the petitioner may approach the appellate authority questioning refusal slip in terms of Section 72 of the Registration Act. He would place reliance upon the following paragraphs of the counter to support his contentions. The relevant paragraphs of the counter are extracted hereunder:

“4. It is respectfully submitted that the petitioner has not produced the original sale deed. Instead, he has submitted only a Non Traceable Certificate issued by the Vijayawada Police Department in Andhra Pradesh, stating that the original sale deed could not be traced.

5. Upon verification of the records maintained at the Annur Sub-Registrar Office, it was found that the sale deed registered as Doc.No.664/1988 stands in the name of Pioneer Engineering Syndicate, Madras, Tamil Nadu, and nowhere in the document are there any particulars relating to the partnership firm claimed by the petitioner herein, nor any reference to the petitioner's alleged firm, its partners, or any other details.

6. Further, as per the Indian Partnership Act, 1932, read with Rule 5 of the Tamil Nadu Partnership Rules,



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a firm registered under Section 59 is required to furnish its registration particulars. In the present case, the petitioner has produced a Form A indicating that Pioneer Engineering Syndicate is a partnership firm registered on 19.10.2022 with its office at Hyderabad, Telangana. However, the Income Tax Permanent Account Number (PAN) submitted along with the document states that the firm has been in operation since 01.04.1971. This discrepancy raised serious doubts about the genuineness of the claim.

7. Moreover, at the time of sale in 1988, the purchaser was Pioneer Engineering Syndicate, Madras, Tamil Nadu. Now, the present document refers to Pioneer Engineering Syndicate, Hyderabad, Telangana. The inconsistency in the firm's identity, period of existence, and territorial location has created legal ambiguities regarding the title and authority of the petitioner to deal with the said property.

8. In view of the above discrepancies and in the absence of the original sale deed, and considering the petitioner's failure to satisfactorily establish lawful title and ownership, the document was rightly refused for registration under the provisions of the Registration Act, 1908, and the Tamil Nadu Registration Rules, 1983, as well as in consonance with the administrative circulars issued by the Inspector General of Registration vide: Letter No.20564/C1/2007 dated 17.05.2007, Letter No.18339/C1/2012 dated 25.04.2012, and Letter No.42938/C1/2009 dated 29.10.2009.

9. It is further submitted that the refusal order has been duly recorded in Book 2 and a refusal check slip



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issued as per law. The petitioner has also been informed that an appeal against the refusal lies before the District Registrar under Section 72 of the Registration Act, 1908, within 30 days from the date of refusal. The writ petition has been filed without availing the said alternative statutory remedy and is therefore not maintainable.”

4. In view thereof, this Court is inclined to direct the petitioner to prefer an appeal against the impugned refusal slip before the 2nd respondent in terms of Section 72 of the Registration Act. If any such appeal is filed within a week from today, the same shall be entertained without reference to limitation. An endeavour shall be made by the 2nd respondent to dispose of the appeal if filed as stated above within a period of four weeks thereof, which was agreed to by the learned counsel for the petitioner. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the matter on its own merits and in accordance with law.



5. With the above direction, the writ petition stands disposed of.

No Costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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MOHAMMED SHAFFIQ, J.

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