



W.P.No.23780 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.23780 of 2025

F.Shalini Vincent

... Petitioner

Vs.

1. The Inspector General of Registration,
Department of Registration,
Foreshore Estate, St., Thome,
Chennai.

2. The District Registrar,
Registration Department,
Alandur.

3. The Sub Registrar,
South Chennai,
Saidapet, Chennai - 600 003.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the third respondent dated 03.04.2025 in TP/ADJ/CHENNAI SOUTH JOUTH JOINT II 5165443/2025, quash the same and consequentially direct the third respondent to adjudicate the Power of Attorney dated 14.02.2025 in Application No.SO1LANDVV202503156710517 dated 15.03.2025.



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For Petitioner : Mr.M.L.Ramesh
For Respondents : Mr.Abishek Murthy
Government Advocate

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 has been filed challenging the refusal slip dated 03.04.2025 whereby the Power of Attorney executed in favour of petitioner by her son who is stated to be residing in Canada for the purpose of appearing before the Highways / Revenue Authority and Chennai Metro Rail Limited to participate in the land acquisition proceedings and to receive the compensation, on the premise that in view of the acquisition proceedings, property is vested with the Government, thus Section 22-A(1)(i) of the Registration Act, 1908 gets attracted. It may be relevant to refer Section 22-A(1)(i) of the Act, which reads as under:

"22-A. Refusal to register certain documents:

Notwithstanding anything contained in this Act, the registering officer shall refuse to register any of the following



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documents, namely:-

(1) instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease,

(i) belonging to the State Government or the local authority or Chennai Metropolitan Development Authority established under Section 9-A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972);

(ii) belonging to, or given or endowed for the purpose of, any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) is applicable."

3. A reading of the above provision would suggest that the Registering Officer shall refuse to register any instrument relating to transfer of immovable properties by way of sale, gift, mortgage, exchange or lease belonging to the State Government or the Local Authority or Chennai Metropolitan Development Authority established under Section 9-A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972). Power of Attorney would show that the primary object was to enable petitioner to appear and act on behalf of her son who resides in Canada in the land acquisition proceedings. It is not in dispute that the notification has



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been issued under the Land Acquisition Act and the land stands vested with the Government. The limited right of petitioner is to receive compensation. Power of Attorney is being executed in favour of petitioner by her son only to ensure appropriate compensation is awarded to petitioner in respect of the land which is acquired. It may thus not fall strictly within the scope of 22-A(1)(i) of the Act inasmuch as there is neither transfer of immovable properties by way of sale, gift, mortgage, exchange or lease. In view thereof the refusal slip is set aside.

4. Learned Government Advocate for respondents would submit that petitioner may re-present the document, viz., Power of Attorney and on such re-presentation, the Power of Attorney would be registered, if it is otherwise in order. If for any reason, registration is refused, an order would be passed assigning reason, which was agreed to by learned counsel for petitioner.

5. In view thereof, this Writ Petition stands disposed of with the direction to petitioner to re-present the documents / Power of Attorney to the



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respondents within a period of two weeks from the date of uploading of the web copy without waiting for the receipt of certified copy. On such re-presentation, the concerned respondent shall register the Power of Attorney within a period of one week thereon, if it is otherwise in order. If for any reason, the Registering Authority refuses to register the Power of Attorney, the same would be done passing an order assigning reason therefor. No costs.

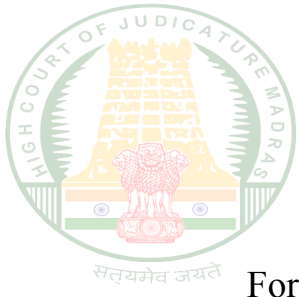
02.07.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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To

1. The Inspector General of Registration,
Department of Registration,



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Chennai.

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MOHAMMED SHAFFIQ, J.

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