



W.P.No.23362 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.23362 of 2025
and WMP Nos.26247 and 26249 of 2025

M/s.Satya Surendra Developers
rep. By its Partner
Shikha Malhotra

: Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road,
Santhome, Chennai 600 004

2.The District Registrar,
Office of the District Registrar,
No.537, Fanepet, Nandanam,
Chennai 600 035

3.The Sub Registrar,
Office of the Sub Registrar,
No.537, Fanepet, Nandanam,
Chennai 600 035

4.Arun Malhotra

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus calling for records the 3rd respondent relating to the impugned check RFL/Chennai South Joint I/22/2025 dated 17.06.2025 issued by the 3rd respondent and to quash the same as illegal and consequently direct the 3rd respondent to register the sale deed dated 09.06.2025 presented by the petitioner for registration and release the same to the petitioner within a time stipulated.

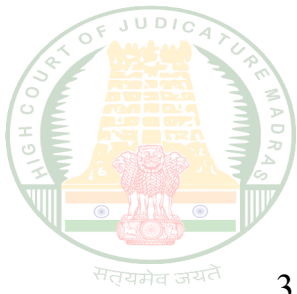
For Petitioner : Mr.Vijay Narayan,
Senior Counsel,
for Mr.Prahalad K.Bhat

For Respondents : Mr.U.Baranidharan,
Special Government Pleader
for R1 to R3

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to the Respondent 4 is dispensed with.

2. The present writ petition is filed challenging the impugned refusal check slip dated 17.06.2025 issued by third respondent, whereby the sale deed dated 09.06.2025 was refused to be registered, on the premise that a suit in O.S.No.3300 of 2023 is pending before the V Assistant City Civil Court, Chennai and the life certificate of the principal does not have the signature of the principal affixed.



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3. It is submitted by Mr.Vijay Narayan, learned Senior Advocate for the petitioner that both the above reasons in the impugned order are bad.

3.1. Insofar as the first reason that the suit is pending, it was submitted by the learned Senior Advocate that an application in IA No.4 of 2023 filed under Order VII Rule 11 of CPC to reject the plaint before the City Civil Court, Chennai. The learned Judge rejected the same vide order dated 16.10.2023. Against the above order of rejection, a civil revision petition in CRP No.1418 of 2024 came to be filed before this Court and this Court vide order dated 17.06.2025 found that the suit does not disclose a cause of action and that the trial court fell in error in rejecting the application filed under Order VII Rule 11 of CPC. The relevant portion of the order is extracted hereunder:

"10. In the light of the above, applying the ratio laid down by this Court in Ramiah Asari vs Tmt.Kurshad Begaum and another reported in 1999 (I) CTC 600, I find that the plaintiff has no interest in the suit property and no cause of action is available for instituting suit for the relief of permanent injunction as prayed for. The suit does not disclose a cause of action and the trial court fell in error in rejecting the application filed under Order VII Rule 11 of Civil Procedure Code.

11. In the result, the order passed in I.A.No.04 of 2023 in O.S.No.3300 of 2023 dated 16.10.2023 is set aside and the plaint in O.S.No.3300 of 2023 is rejected



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and the civil revision petition is allowed. No costs."

3.2. It is submitted that the above reason may no longer exist. It is also submitted that mere pendency of a suit by itself may not be a bar for registration of a sale deed unless there is an interim order of any court.

3.3. Insofar as insistence on the principal's signature in the life certificate, it was submitted by the learned Senior Advocate that the power of attorney in the present case is one which is coupled with interest. Therefore, with regard to a power of attorney which is coupled with interest, it may not be permissible to insist upon a life certificate as held by this Court in the case of *Confederation of Real Estate Developers' Association of India vs. State of Tamil Nadu* reported in 2014 (6) CTC 13, wherein it was held as under:

"21. However, the impugned circular insisted upon production of 'Life Certificate' of the principal in respect of all the documents presented based on Power of Attorney irrespective irrevocable attorneys also. In this regard, it is pertinent to note that in respect of the Power of Attorneys where the Power Agent has interest in the subject matter of agency, production of 'Life Certificate' of the principal does not at all arise inasmuch as such Power of Attorney is irrevocable. In the matter of power attorneys where the authority coupled with interest are irrevocable and even if the



principal intends to terminate or cancel the Power of Attorney, he cannot do so.

22. In fact, Power of Attorney Act does not state when a Power of Attorney is irrevocable. However, Section 202 of the Contract Act lays down the rule that 'authority couple with interest is irrevocable'. It means that the authority cannot be revoked where the agent has an interest in the subject matter of the agency. It can be explained with the following illustrations, viz.-

(i) A gives authority to B to sell A's land and to pay himself, out of the proceeds, the debts due to him from A. A cannot revoke this authority, nor it can be terminated by his insanity or death.

ii) A being the land owner, having received a valuable consideration, authorises B, a flat promoter to develop the land and promote flats and sell away the same by sale deeds. Such a Power of Attorney given for a valuable consideration and where the agent himself has interest, cannot be revoked so long as the agent has interest or his obligation is discharged.

23. The Supreme Court of India, in the case of Seth Loon Karan Sethiya v. Ivan E. John, AIR 1969 SC 73, held that-"where the agent has himself an interest in the property which forms the subject matter of the agency, the agency cannot, in the absence of an express contract, be terminated to the prejudice of such interest. It is settled law that where the agency is created for valuable consideration and authority is given to effectuate a security or to secure interest of the agent, the authority cannot be revoked.

24. Therefore, this Court is of the considered view that in respect of the above said Power of Attorneys where the agency is created for valuable consideration and where the authority is coupled with interest, which are irrevocable nature, production of 'Life Certificate' of the principal does not at all arise and there is no need



for the agents to produce the same. After development of the property, the Power Agent cannot find the buyers at a time within a period of one month to sell away the flats, in order to register the Sale Deeds. Therefore, there is no justification to insist upon production of 'Life Certificate' for every spell of one month and if the agent approaches the principal for such Certificate, there is every likelihood of demanding money or the principal riding over the agent.

25. Before parting, this Court place on record its appreciation towards the steps taken by the Inspector General of Registration in issuing the impugned Circular in order to prevent the fraudulent registration of the documents by the illegal Power Agents and as already stated supra, the object of the impugned Circular is really laudable and praiseworthy, but in the absence of any legal sanctity attached to the impugned Circular, this Court is unable stretch upon its hands to protect the said Circular. However, it is needless to mention that the Inspector General of Registration is empowered to make rule by virtue of Section 69(2) of the Act and enact the same after getting approval from the State Government and on its publication. While doing so, the Inspector General of Registration shall consider the circumstances under which the production of 'Life Certificate' itself does not arise as discussed in foregoing Paragraphs 21 to 25. Till such time the Rule is framed, the Registering Authority shall act as per the provisions of the Act."

3.4. It was further submitted by the learned Senior Advocate that this court on another occasion in W.P.No.8808 of 2025 dated 14.03.2025 had dealt with the question of insistence of a life certificate as not being mandated nor required and



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held as under:

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"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.



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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 and 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 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 the 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."*

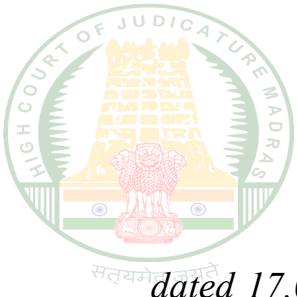


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4. When this was pointed out, learned Special Government Pleader for respondents 1 to 3 would submit that if the sale deed dated 09.06.2025 is re-presented by the petitioner, the same would be registered, in the light of judgments of this Court in the case of *Confederation of Real Estate Developers' Association of India vs. State of Tamil Nadu* cited supra, *CRP No.1418 of 2024 dated 17.06.2025 and W.P.No.8808 of 2025 dated 14.03.2025*, if it is otherwise in order, If, for any reason, the Sub Registrar is of the view that the registration ought to be refused, he would do so after assigning reasons, which was agreed to by the learned counsel for the petitioner.

5. In the light of the above discussion, the impugned refusal check slip issued by the third respondent dated 17.06.2025 is hereby set aside. It is open to the petitioner to re-present the sale deed dated 09.06.2025 and if any such sale deed is re-presented, the third respondent shall register the sale deed, if it is otherwise in order, after providing an opportunity of hearing to the petitioner and respondent No.4 and any other interested parties, keeping in view the law laid down by this Court in the cases of *Confederation of Real Estate Developers' Association of India vs. State of Tamil Nadu* cited supra, *CRP No.1418 of 2024*



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dated 17.06.2025 and W.P.No.8808 of 2025 dated 14.03.2025. If for any reason, the third respondent refuses to register the sale deed, he shall assign reasons while refusing, which was agreed to by both counsel for petitioner as well as respondents.

6. In the result, this Writ Petition stands disposed of. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

01.07.2025

Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
mrn



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To

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- 1.The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road,
Santhome, Chennai 600 004.
- 2.The District Registrar,
Office of the District Registrar,
No.537, Fanepet, Nandanam,
Chennai 600 035.
- 3.The Sub Registrar,
Office of the Sub Registrar,
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MOHAMMED SHAFFIQ, J.

(mrn)

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