



W.P. No.28315 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.28315 of 2025
and
WMP Nos.31708 and 31709 of 2025

1.S.Mahalingam
2.S.Kalaimani

... Petitioners

Vs.

1.The District Registrar,
Office of the District Registrar,
Virudachalam District.

2.The Sub Registrar,
Office of the Sub Registrar,
Mangalampettai, Virudachalam District.

3.S.Gopinath

...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 of the second respondent in impugned refusal check slip dated 07.07.2025 in RFL/Mangalampettai/24/2025 and quash the same and consequently direct the second respondent to register and release the general power deed executed by petitioners dated 07.07.2025 and presented for registration on 07/07/2025 vide Acknowledgment No.TP/225432059/2025 and pass orders.



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For Petitioner(s) : Mr.N.A.Nassir Hussain
For Respondent(s) : Mr.U.Baranidharan
Special Government Pleader
for R1 and R2

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 respondent No.3 is dispensed with.

2. The present writ petition is filed challenging impugned refusal check slip dated 07.07.2025 in RFL/Mangalampettai/24/2025 issued by the second respondent, whereby the General Power of Attorney dated 07.07.2025 was refused registration on the premise that in respect of unsold plots, there is no approval as on date and there is a suit in OS No.69 of 2025 on the file of District Munsif Court at Ulundurpettai, in which 2nd respondent is arrayed as defendant and the same is pending.

3. It is submitted by the learned counsel for the petitioners that mere pendency of a suit may not be a bar for registration of General Power of Attorney



unless there is an interim order of any court, in respect of the subject property.

WEB COPY In this regard, reliance was sought to be placed on the judgment of this Court in the case of *Vadamugam Vellode Nalukarai Nattu Goundergal Sangam vs The Inspector General of Registration*, reported in [2021 (1) CTC 535], wherein it was held as under:

"10. The 5th respondent has approached the Civil Court and has filed O.S.No.48 of 2019, seeking for the relief of partition and separate possession of 1/27th share in the suit properties. It is also seen that the 5th respondent has filed yet another suit in OS.No.58 of 2017 in which she has claimed for the relief of permanent injunction restraining the defects not to alienate the suit properties. In both the suits, there is no order passed by the competent Civil Court injuncting from dealing with the suit properties. What the 5th respondent was not able to achieve before the Civil Court is now sought to be achieved through the 3rd respondent by virtue of a letter given before this Court dated 21.02.2020. The 3rd respondent is a statutory authority, who has to strictly perform his function in accordance with law. This Court exercising its jurisdiction under Article 226 of Constitution of India can never prevent a statutory authority from performing his function. Therefore unless and otherwise a competent civil court passes any interim order restraining the alienation of the property, the 3rd respondent has to entertain the documents and register the same, if it is otherwise in order. Ultimately, even if the suit is decreed, the transaction will be subject to the rule of lis pendens. There is no law in force which says that no transaction can take place during the pendency of the suit. That exactly why Section 52 of the Transfer of Property Act, provides a solution for transactions that take place during the pendency of the suit."



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WEB COPY 3. Learned counsel for the petitioners would submit that petitioners are ready and willing to file an affidavit stating the following viz., a) Under the General Power of Attorney, no sale would be effected or plots would be made unless a sanction/permission of the appropriate authority is obtained as mandated by law/statute, if any, b) That there is no suit pending and there is no order of any competent court restraining or injuncting registration of any transfer/instrument in respect of the subject property.

4. Learned Special Government Pleader for the respondents 1 and 2 would submit that if the petitioners re-present the General Power of Attorney dated 07.07.2025 along with such affidavit, the same would be registered, 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 petitioners.

5. In the light of the above discussion, the impugned refusal check slip dated 07.07.2025 is set aside. It is open to the petitioners to re-present the General Power of Attorney dated 07.07.2025 along with an affidavit stating the following viz., a) Under the General Power of Attorney, no sale would be



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affected or plots would be made unless a sanction/permission of the appropriate authority is obtained as mandated by law/statute, if any, b) That there is no suit pending and there is no order of any competent court restraining or injuncting registration of any transfer/instrument in respect of the subject property.

5.1. If any such General Power of Attorney along with the above said affidavit is re-presented, the second respondent shall register the same, if it is otherwise in order, keeping in view the law laid down by this Court in the case of *Vadamugam Vellode Nalukarai Nattu Goundergal Sangam vs The Inspector General of Registration*, cited supra and the affidavit undertaken to be filed by petitioners, after providing a reasonable opportunity of hearing to petitioners and third respondent. If for any reason, the second respondent refuses to register the General Power of Attorney, he shall assign reasons in the refusal order. 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.

6. In the result, this Writ Petition stands disposed of. There will be no



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order as to costs. Consequently, connected miscellaneous petitions are closed.

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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

- 1.The District Registrar,
Office of the District Registrar,
Virudachalam District.
- 2.The Sub Registrar,
Office of the Sub Registrar,
Mangalampettai, Virudachalam District.



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MOHAMMED SHAFFIQ, J.

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