



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 30158 of 2025

1. Samiyathal,
W/o.Jagadeesan, No.64,
Velagoundenvasalu, Villarasampatti
Village, Erode District- 638 107.

2.Sri Devi,
W/o.Gurusamy, No.54, Alavankadu,
Mettupalayam, Pungapadi,
Erode District- 638 112.

Petitioner(s)

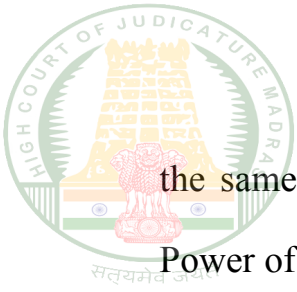
Vs

1. The Sub Registrar,
Sub Registrar Office, Perundurai,
Erode District.

Respondent(s)

PRAYER

This Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal Check Slip in RFL/ Perundurai/125/2024 dated 02.12.2024 issued by the respondent, quash



the same and consequently direct the respondent to entertain and register the Power of Attorney dated 02.12.2024.

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For Petitioner(s): Mr.R.Prabakar

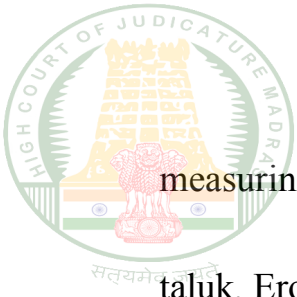
For Respondent: Mr.Abishek Murthy, GA

ORDER

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

2. This Writ Petition has been filed, seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal Check Slip in RFL/ Perundurai/125/2024 dated 02.12.2024 issued by the respondent, quash the same and consequently direct the respondent to entertain and register the Power of Attorney dated 02.12.2024.

3. The 1st petitioner executed an irrevocable General Power of Attorney, dated 02.12.2024 in favour of the 2nd petitioner herein, appointing her as her Power Agent to deal with the subject property situated in S.F.No.121/3C,



measuring an extent of Punjai Acre 0.08 $\frac{3}{4}$, Pongambadi village, Perundurai taluk, Erode District. The grievance of the petitioner is that when the document,

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i.e. Power of Attorney, dated 02.12.2024 was presented before the Sub Registrar, the 2nd respondent herein, it was rejected by him by issuing a refusal check slip, dated 02.12.2024 on the ground that the subject land was converted into house sites without obtaining permission or approval from the Planning Authority and as such, the registration of the said Power of Attorney, cannot be done, which is contrary to Section 22A of the Registration Act.

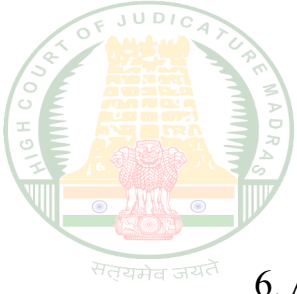
4. The learned counsel for the petitioner would submit that Section 22 A of the Act may not have any bearing while registering the Power of Attorney inasmuch the Power of Attorney is merely a creation of an agency where by, the donor/executant authorizes the donee/holder to perform certain specified acts on his behalf, which will be binding on the executant as if they were done by him. He would further submit that by execution of Power of Attorney, no right, title or interest in respect of any immovable property is transferred in favour of the 2nd petitioner, but only for the purpose of developing the property



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and effect sale transactions on behalf of the executant. Thus, there is no transfer of ownership involved, and Section 22-A, which deals with instruments effecting transfer of ownership in land, is not applicable. In support of this submission, reliance is placed upon the decision of the Hon'ble Supreme Court in “*Suraj Lamp & Industries Pvt.Ltd. Versus State of Haryana*” reported in (2012) 1 SCC 656, wherein, it has been held that no right, title or interest in any immovable property can be transferred through Power of Attorney.

5.It is open to the petitioner to re-present the General Power of Attorney dated 02.12.2024 for registration and on such representation the same would be registered if it is otherwise in order. If for any reason, registration of General Power of Attorney dated 02.12.2024 is sought to be refused, the respondent shall issue refusal slip/order assigning appropriate reasons. 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.



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6. Accordingly, this Writ Petition is disposed of. No costs.

20-08-2025

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Index: Yes/No

Neutral Citation: Yes/No

To

The Sub Registrar
Sub Registrar Office, Perundurai,
Erode District.



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MOHAMMED SHAFFIQ, J.
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