

W.P.(MD)No.1600 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.1600 of 2024
and W.M.P(MD).No.1623 of 2024

K.R.Krishnamoorthy

... Petitioner

vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai 600 028.

2.The District Registrar,
Office of the District Registrar,
Madurai.

3.The Sub Registrar,
Office of the Sub-Registrar,
Thirupparankundram,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the third respondent and quash the cheque slip letter No. 8/2023 dated 27.12.2023 and quash the same and consequently direct the third respondent to register the general power of attorney dated 27.11.2023 presented for adjudication by the petitioner.



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For Petitioner : Mr.M.S.Suresh Kumar

For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

This writ petition seeks to quash the proceedings of the Sub-Registrar at Thirupparankundram, in ஆய்வு குறிப்பு சீட்டு எண்.8/2023, dated 27.12.2023.

2. The case of the petitioner is that by a document dated 25.10.1893 registered as Doc No.2955 of 1893 one Lakshmana Bagavathar purchased 12.09 acres in Nilaiyur Bit-1 Village, Koothiyarkundu Village, Thirumangalam Taluk, Madurai District. The property has been in the family of Lakshmana Bagavathar ever since. Subsequently, the family members entered into Muchalikka on 14.12.1962 and a joint patta was granted to the legal heirs and descendants of the said Lakshmana Bagavathar.



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3. Due to several circumstances, personal and occupational, the legal heirs of Lakshmana Bagavathar have settled across the globe. These heirs have executed a power of attorney in favour of the writ petitioner. The writ petitioner presented documents relating to three deeds of power of attorney dated 27.11.2023, 06.12.2023 and 07.02.2023 together with patta copies for registration. The registration of these documents were rejected by the third respondent on the ground that the death certificate of ancestor had not been produced and Rule 55A of the Registration Rules bars registration of power of attorney deeds. Challenging the same, the present writ petition.

4. I heard Mr.M.S.Suresh Kumar for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader, for the respondents.

5. The petitioner had not presented a document seeking transfer of title from the legal descendants of Lakshmana Bagavathar in his favour. All the three documents are merely power of attorney deeds given by the persons residing abroad in favour of the writ petitioner. At the time of

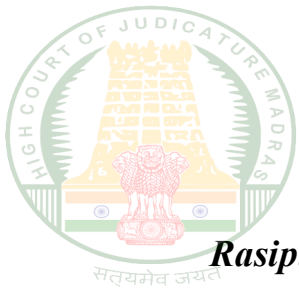


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registration of document, the Sub-Registrar is not acting as quasi judicial authority or a civil Court in order to probe into the aspect whether the persons who have registered the document are in fact the legal descendants of Late. Lakshmana Bagavathar.

6. Further more, to demand the death certificate and legal heirship certificate of persons, who have passed more than a century ago, is expecting the writ petitioner to perform an impossible task. Incase, the petitioner is not empowered by certain legal heirs, obviously any document presented by him, would not bind the shares of such persons. The Sub-Registrar need not act as caveator representing the interest of those persons, who are the descendants of Late.Lakshmana Bagavathar, but have not empowered the writ petitioner.

7. The document is mere power of attorney deed and it had been presented only for the purpose of adjudication. The impugned order exceeds the powers conferred on the Sub-Registrar by the Registration Act and Rules made thereunder. The position of law has been settled by a judgment of this Court in the case of ***P.Pappu Vs., The Sub-Registrar,***



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Rasipuram, reported in **2024 (5) CTC 575**. The Division Bench had made it clear that the Sub-Registrar cannot demand records, which are not mandatory as per the Registration Act and the Rules.

8. Respectively applying the verdict to the facts of the present case, the impugned check slip in Letter No.8/2023 dated 27.12.2023 passed by the third respondent is hereby quashed. There shall be a direction to the third respondent to register the power of attorney deeds executed in favour of the petitioner on 27.11.2023, 06.12.2023 and 07.02.2023.

9. Mr.R.Suresh Kumar states that the power of attorney deeds would be registered within a period of two(2) weeks from today (i.e., 26.02.2025). This statement is recorded.

10. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Index :Yes / No

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NCC :Yes / No

Rmk

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- To
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V. LAKSHMINARAYANAN, J.

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