



W.P.(MD)No.2406 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.2406 of 2025

Jegan

... Petitioner

/Vs./

1. The Sub Registrar
Kariyapatty Sub Registrar Office,
Kariyapatty,
Virudhunagar District

2. Periyasamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal check slip RFL/Kariyapatty/6/2025 dated 24.01.2025 issued by the first respondent and quash the same and consequently direct the respondent to register the sale deed dated 24.01.2025 executed by the petitioner in favour Divya Bagya on representation within a time stipulated by this Court.

For Petitioner : Mr.N.Kumar

For Respondents : Mr.M.Sarangan

Additional Government Pleader for R1



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ORDER

This Writ Petition has been filed challenging the refusal check slip dated 24.01.2025 issued by the first respondent, thereby, refused to register the sale deed dated 24.01.2025.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The property in S.No.42/6A1A to an extent of 26 cents out of 3.11 Acres, in S.No.42/6A1A to an extent of 61 ¼ cents, in S.No., in S.No.42/3A, to an extent of 0.28.50 Ares, in S.No.42/2, to an extent of 1 Acre 4 cents, in S.No.42/4 to an extent of 1 Acre 38 cents and in S.No. 42/7 to an extent of 1.12 Acre, situated at Aviyur village, Virudhunagar Distirct, owned by the second respondent herein. Thereafter, he had executed a power of attorney in favour of the petitioner and two others on 19.08.2021 vide document No.2746/2021, in respect of the subject property and permitted each of the power of attorney separately or jointly to deal with the property. Accordingly, the petitioner had executed a sale deed in respect of the part of the subject property in favour of the third



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party and presented for registration on 24.01.2025. However, the first respondent refused to register the same on the ground that the power of attorney says that separately or totally, instead of separately or jointly.

4. On perusal of the power of attorney dated 19.08.2021, it revealed that the petitioner's principal had executed power of attorney in favour of the petitioner and two others, to deal with the property by separately or totally, it means that separately or by jointly. However, the learned counsel for the petitioner would submit that the second respondent is ready to be present before the registering authority at the time of presentation of document for registration.

5. In view of the above, the order impugned cannot be sustained and the same is liable to be quashed, accordingly, quashed. The petitioner is directed to present the sale deed and file an affidavit to that effect for registration along with the principal, viz., the second respondent herein. On receipt of the same, the first respondent is directed to register the sale deed and release the same forthwith, if it is otherwise in order.



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6. With the above observation, this Writ Petition stands allowed.

No costs.

Internet : Yes/No
NCC : Yes / No
LS

28.01.2025

TO:-

The Sub Registrar
Kariyapatty Sub Registrar Office,
Kariyapatty,
Virudhunagar District



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G.K.ILANTHIRAIYAN, J.

LS

Order made in
W.P.(MD)No.2406 of 2025

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28.01.2025