



W.P.(MD)No.4590 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.4590 of 2025
and W.M.P(MD).No.3292 of 2025

Rajavel

... Petitioner

vs.

1.The District Registrar,
Department of Registration,
Tiruchirappalli District, Tiruchirappalli.

2.The Sub Registrar,
Office of the Sub Registrar,
Manapparai 621 306,
Tiruchirappalli District.

... 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 second respondent passed in RFL/Manapparai/418/2024 dated 22.11.2024 and quash the same and consequently direct the second respondent to accept the power deed presented by the principal namely Palanisamy son of Vellaiyagounder of 14/10, Thoppampatty Village, Alipatty Post, Manapparai Taluk, Tiruchirappalli District, appointing the petitioner as his power agent.

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For Petitioner : Mr.T.M.Madasamy
For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The petitioner seeks for a Writ of Certiorarified Mandamus, to quash the proceeding of the second respondent passed in RFL/Manapparai/418/2024 dated 22.11.2024 and consequently, to direct the second respondent to accept the power deed presented by the principal, namely, Palanisamy, son of Vellaiyagounder of 14/10, Thoppampatty Village, Alipatty Post, Manapparai Taluk, Tiruchirappalli District, appointing the petitioner as his power agent.

2. According to the petitioner, the property situated in S.No.214/1 and 215/2 of Thoppampatty Village, Manapparai Taluk, Tiruchirappalli District, belongs to one Palanisamy, S/oVellaiyagounder. This property had been acquired by Vellaiyagounder. He passed away leaving behind as his legal heirs, his wife, namely, Kamatchi and two sons Mookkan and Palanisamy. The petitioner approached the aforesaid three persons and



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obtained a deed of power of attorney on 13.05.2010 in Doc.No.233 of 2010. The power relates to the property situated in S.No.214/1 and 215/2. The petitioner was unable to exercise the power, on account of the fact that Kamatchi, wife of Vellaiyagounder, passed away on 02.06.2017 and the other principal, Mookan too passed away on 02.03.2019. According to the petitioner, on the death of Kamatchi, her two sons Mookan and Palanisamy succeeded to her estate and since Mookan did not have any legal heirs, the sole surviving heir Palanisamy has become the owner of the property.

3. On account of the death of two of his three principals, he was under the impression that the very document has become invalid. Hence, he approached Palanisamy and obtained a fresh deed of power of attorney with respect to S.No.214/1 and presented for registration on 22.11.2024. By the impugned order, the second respondent refused to receive the same. Hence, the writ petition.

4. Heard Mr.T.M.Madasamy for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate, who takes notice for the respondents.



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5. A perusal of the impugned order shows that the second respondent has construed the deed of power of attorney as an instrument of transfer of title. It is a settled position of law that a deed of power of attorney does not transfer the title of the property in favour of the agent. The power of attorney deed merely records the existence of relationship between the executant and the recipient as principal and agent and it is nothing more than that.

6. In order to attract Section 22A (2) of the Registration Act, the document should be one, which transfers an interest in immovable property. That not being the situation in the present case, I am not in a position to sustain the impugned order.

7. At this stage, Mr.N.Ramesh Arumugam states if the original or certified copy of the deed of power of attorney, dated 13.05.2010 registered as Doc.No.233 of 2010 is produced before the Sub Registrar and on comparison, it will become clear that S.No.214/1 is covered under the first document, the Sub Registrar shall immediately, register the deed of power of attorney.



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WEB COPY 8. Mr.T.M.Madasamy is willing to produce the original of the deed of power of attorney as sought for by Mr.Thiraviam.

9. That being a position, this Writ Petition is allowed. The petitioner shall produce either original power of attorney deed in Doc.No.233/2010, dated 13.05.2010 or certified copy thereof before the second respondent. On production of the same, the second respondent shall register the power of attorney and return the same to the petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Rmk

20.02.2025

To
1.The District Registrar,
Department of Registration,
Tiruchirappalli District, Tiruchirappalli.

2.The Sub Registrar,
Office of the Sub Registrar,
Manapparai 621 306,
Tiruchirappalli District.

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V. LAKSHMINARAYANAN, J.

Rmk

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