



W.P(MD)No.17631 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.17631 of 2025

Shaji Bonzale

... Petitioner

Vs

The Sub Registrar,
Sankaran Kovil Registrar Office,
Tenkasi District.

... Respondent

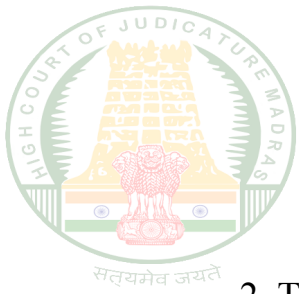
PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for records of the respondent pertaining to proceedings in Refusal No. RFL/Sankarankovil/95/2025 dated 10.06.2025 and to quash the same as illegal and consequentially direct the Sub Registrar, Sankarankovil to register the deed of rectification.

For Petitioner : Mr.M.K.Viswanath

For Respondent : Mr.G.Suriya Ananth
Additional Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the refusal check slip dated 10.06.2025 and consequently direct the respondent to register the deed of rectification.



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2. The brief facts of the case are that the petitioner is the Power of Attorney holder of Sri Narayanan Tharma Yogam Institution, which is a corporate body registered under the Companies Act. The said company has given a power to the petitioner who has already executed a sale deed dated 12.09.2005. In the said sale deed, mistake occurred, wherein the plot number was mentioned as 120 instead of 12. In order to rectify the same and incorporate 12 as plot number, the present rectification deed has been filed. The respondent refused to register the rectification deed since the petitioner is only a Power of Attorney holder and he should submit a life certificate.

3. The learned Government Advocate, on instructions, submitted that without life certificate, a Power of Attorney holder cannot execute any document as per Circular No.45379 of 2018 dated 09.10.2018. He further submitted that the Power of Attorney was executed in the year 2004 and the sale deed was executed in the year 2005. Since more than 20 years have elapsed, a No Objection Certificate (NOC) is necessary.

4. It is an admitted fact that the circular mandates production of a life certificate in cases where any Power of Attorney seeks to register a document. In the present case, since the present Power of Attorney has been granted by a



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statutory body, a life certificate cannot be produced. In such circumstances, the respondent is seeking a No Objection Certificate from the said company.

5. After considering the rival submissions, this Court is of the considered opinion that if the petitioner as a power agent executing any new document, then No Objection Certificate is necessary. As stated supra, it is only rectification deed to rectifying the plot number alone. Further the Power of Attorney is not cancelled and the company is still alive. Therefore, No Objection Certificate is not necessary. Hence, the impugned order is quashed. The respondent is directed to register the deed of rectification, within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above said direction, this Writ Petition is allowed. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
Internet : Yes
jbr

01.07.2025



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S.SRIMATHY, J.

jbr

To:

The Sub Registrar,
Sankaran Kovil Registrar Office,
Tenkasi District.

ORDER MADE IN
W.P(MD)No.17631 of 2025

DATED : 01.07.2025