



W.P(MD)No.17061 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.01.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.17061 of 2023

Vimala

... Petitioner

Vs.

1.The District Registrar,
O/o. District Registrar,
Kumbakonam,
Thanjavur District.

2.The Sub Registrar,
O/o. Sub Registrar,
Nachiyarkovil,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relates to the impugned rejection order passed by the second respondent in his proceedings in Check Slip No.TPL/152366568/2023 dated 06.06.2023 and quash the same as illegal, without jurisdiction and violative of principles of natural justice and consequently directing the respondents to



W.P(MD)No.17061 of 2023

register the Power of Attorney Deed dated 06.06.2023 with respect to property in S.F.No.18/1, 18/2A, 18/4A, 23/1C, 23/8, 32 situated at Krishnapuram Village, Nachiyarkovil Sub-Registration District, Kumbakonam Taluk, Thanjavur District.

For Petitioner : Mr.S.Sankar

For Respondents : Mr.S.P.Maharajan,
Spl. Government Pleader.

ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the second respondent in his proceedings in No.TPL/152366568/2023 dated 06.06.2023 and quash the same as illegal, without jurisdiction and violative of principles of natural justice and to direct the respondents to register the Power of Attorney Deed dated 06.06.2023 with respect to property in S.F.No.18/1, 18/2A, 18/4A, 23/1C, 23/8, 32 situated at Krishnapuram Village, Nachiyarkovil Sub-Registration District, Kumbakonam Taluk, Thanjavur District.

2.The petitioner's husband had executed settlement deed dated 19.07.2021 in favour of the petitioner in respect of the property comprised in



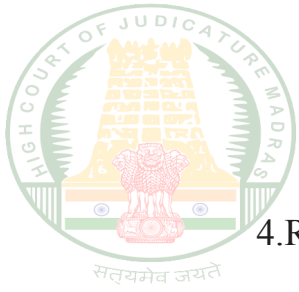
W.P(MD)No.17061 of 2023

S.F.Nos.18/1, 18/2A, 18/4A, 23/1C, 23/8 and 32 situated at Krishnapuram

Village, Nachiyarkovil Sub-Registration District, Kumbakonam Taluk,

Thanjavur District. In turn, the petitioner had executed power of attorney in favour of her husband to deal with the property on 06.06.2023 and presented the same for registration. However, the second respondent refused to register the same on the ground that the subject property is derived by the petitioner's husband through Will.

3.On perusal of the Will, it is seen that the subject property was not bequeathed in favour of the petitioner's husband. However, the settlement deed executed by the petitioner's husband was registered in favour of the petitioner. The Will was executed by the father of the petitioner's husband. That apart, survey numbers of the subject property are not mentioned in judgment and decree passed in O.S.No.176 of 2017 on the file of Additional Sub Court, Kumbakonam. Therefore, the claim of the petitioner is not supported with any document. Patta was issued in respect of the subject property under Patta No. 757. It stands in the name of nine persons including the petitioner's father-in-law, who had executed Will.



W.P(MD)No.17061 of 2023

4.Rule 162 of the Registration Rule permits the registering authority to refuse registration of a document. Therefore, this Court does not find any ground to interfere with the impugned refusal check slip issued by the second respondent. The writ petition stands dismissed. No costs.

07.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To:

1.The District Registrar,
O/o. District Registrar,
Kumbakonam,
Thanjavur District.

2.The Sub Registrar,
O/o. Sub Registrar,
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W.P(MD)No.17061 of 2023

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W.P(MD)No.17061 of 2023

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