



W.P(MD)No.19473 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.19473 of 2025

Thyagarajan

... Petitioner

Vs

1. The Inspector General of Registration,
No.100, Santhome High Rd,
Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram,
Chennai - 600028.

2. The Sub Registrar,
Kodaikanal,
Taluk Office Compound,
Anna Salai,
Kodaikanal HO - 624101.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd Respondent to accept the Settlement Deed dated 27.06.2025 executed and presented by the Petitioner for registration through the Petitioner's Power of Attorney Mr.T.Ramanikanth appointed on 26.10.2016 by way of deed of General Power of Attorney vide Document No.3299/2016 registered in the office of the District Registrar, Puducherry and to register the same, if the Settlement Deed dated 27.06.2025 is otherwise in order.



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For Petitioner

: Mrs.A.Lakshmi

For R1 & R2

: Mr.G.Suriya Ananth
Additional Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the second respondent to accept the settlement deed dated 27.06.2025 executed and presented by the petitioner for registration through the petitioner's power of attorney Mr.T.Ramanikanth appointed on 26.10.2016 by way of deed of General Power of Attorney vide Document No.3299/2016 registered in the office of the District Registrar, Puducherry and to register the Settlement Deed dated 27.06.2025.

2. The brief facts of the case are that the petitioner aged about 86 years had executed a Power of Attorney in favour of his son namely Mr.T.Ramanikanth. The said Power of Attorney was registered as Document No.3299/2016 in the office of the District Registrar, Puducherry. Thereafter, the petitioner intended to settle a property at Kodaikanal in the name of his granddaughter namely, Mirnithi and had executed settlement deed dated 27.06.2015 and submitted the same for registration through his Power of Attorney, T.Ramanikanth. However, the second



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respondent refused to register the document on the ground that the Power of Attorney was executed in Puducherry and therefore the Settlement Deed ought to have been executed and presented before the Puducherry Registration Office. For which, the respondent relied on the Section 28 and the section is culled out hereunder:

28. Place for registering documents relating to land. - Save as in this part otherwise provided,— (a) every document mentioned in [clauses (a), (b), (c), (d), (e), (f), (g), (a), and i)] of sub-section (1) and sub-section (2) of section 17 in so far as such document affects immovable property and in clauses (a), (b), (c), and (cc) of section 18, shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate in the State of Tamil Nadu; and

Provided that every document mentioned in clause (h) of sub-section (1) of section 17 may also be presented for registration in the office of the Sub-Registrar within whose jurisdiction the principal ordinarily resides.]

(b) any document registered outside the State of Tamil Nadu in contravention of the provisions of clause (a) shall be deemed to be null and void.

3. The Learned Counsel appearing for the petitioner submitted that the respondent failed to see the proviso in the aforesaid section wherein it states exclusively about power of attorney. It states the power of attorney shall be presented in the office within the jurisdiction the principal ordinarily resides. The Section 17(h) states “(h). *instruments of Power of Attorney relating to immovable*

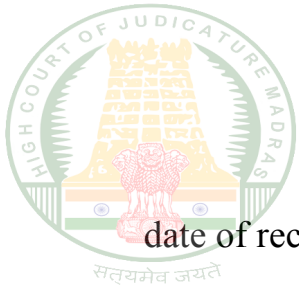


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property other than those executed outside India;” In other words, it means “the power of attorney executed inside India”. Therefore, the proviso in section 28 read with the section 17(h) would mean that “the power of attorney executed inside India shall be presented for registration in the office of the Sub Registrar within whose jurisdiction the principal ordinarily resides”.

4. The contention of the respondents that Section 28(b) states that any document registered outside the State of Tamil Nadu in contravention of the provisions of clause (a) shall be deemed to be null and void. The said contention may be correct if the proviso clause is not available. It is seen that the said proviso was inserted through amendment by T.N. Act 29 of 2012 with effect from 01.12.2012. In such circumstances, the section 17(h) read with section 28 proviso would clearly means that the power of attorney executed inside India shall be presented for registration in the office of the Sub Registrar within whose jurisdiction the principal ordinarily resides.

5. Therefore, the reasons stated in the impugned order is erroneous and the same is liable to be quashed and accordingly quashed. Consequently, the respondents are directed to register the settlement deed in Kodaikanal, if otherwise the document is in order, within a period of four (4) weeks from the



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date of receipt of a copy of this order.

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

7. The Learned Counsel appearing for the petitioner submitted that the limitation for paying the stamp duty had lapsed, hence prays to extend the time. Therefore, the time is extended for a period of four weeks from the date of lapse.

29.07.2025

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

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To:

1. The District Registrar,
District Registrar Office,
4th Floor, C-Block,
Thiruppathur Taluk,
Sivagangai District.
2. The Sub Registrar,
Thiruppathur Taluk,
Sivagangai District.



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S.SRIMATHY, J.

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ORDER MADE IN
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