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W.P.No.21784 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2026

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.21784 of 2024

Lalitha
3/48, Bharathidasan Street,
Mamalan Nagar, Kancheepuram,
Tamil Nadu-631 501.

... Petitioner

v.

1. The Inspector General of Registration
Office of the Registration Department
Pattinampakkam,
No.100, Santhome High Road,
Chennai-600 028.

2. The Deputy Inspector General of Registration
Office of the Registration Department,
Pattinampakkam,
No.100, Santhome High Road,
Chennai-600 028.

3. The District Registrar,
Kancheepuram
Office of the District Registrar
Arasu nagar, Thandavaraya Nagar,
Kancheepuram, Orikkai-631 601.

4. The Joint Sub Registrar-4
Kancheepuram,
Office of the Joint Sub Registrar,

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Taluk Office Compound
Kancheepuram-631 501.

... Respondents

PRAYER: This writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to Refusal Slip issued by the 4th Respondent in RFL/4 எண் இணை சார்பதிவரள் காஞ்சிபுரம்./4,2024 dated 14.05.2024 and confirmed by the 3rd Respondent in Proceedings No. க.எண் 2258/ஆ1/2024, dated 25.06.2024 and quash the same as illegal, arbitrary and non est in law and consequently direct the 4th Respondent to register the Sale Deed dated 01.03.2024 within a reasonable time period stipulated by this Court.

For Petitioner : Mr.B.Vijay for
M/s.Eswar, Kumar and Rao

For Respondents : Mr.U.Baranidharan, Spl.G.P.

ORDER

On the basis of power of attorney dated 19.02.2019 bearing document No.1208 of 2019, the agent Mr.E.Seeralan, executed a sale deed dated 14.05.2024, in favour of the petitioner. Upon presentation, the Sub Registrar declined registration under refusal check slip dated 14.05.2024. The matter



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was carried in appeal and the appellate authority confirmed the order of the Sub Registrar under order dated 25.06.2024. Both these orders are challenged in this writ petition.

2. Learned counsel for the petitioner submits that two reasons for refusal are recorded in the order of the Sub Registrar. The first reason for refusal is the information received from the principal, Lakshmanan, stating that he proposes to cancel / revoke the power of attorney. In the absence of revocation in accordance with law, learned counsel submits that the cited reason is untenable. As regards the second reason, which is proceedings dated 13.12.2021, learned counsel submits that the said proceedings pertain to items 1 and 3 of power of attorney dated 19.02.2019. The sale deed in favour of the petitioner is confined to item – 2 of the power of attorney.

3. Referring to the two counter affidavits of the fourth respondent, learned counsel submits that the second counter affidavit draws reference to the alleged sale of plots in an unapproved lay out. With regard to this aspect, learned counsel submits that nothing can be added to or deleted from the orders of the respondents herein. The said orders would have to be self-



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sustaining and cannot be justified on an additional ground raised in the counter affidavit. Learned counsel cites the judgment in the *State of Himachal Pradesh and Another v. M/s.OASYS Cybernatics Pvt. Ltd., 2024 LiveLaw (SC) 1142*, particularly paragraphs 27 and 28 thereof and points out that the Hon'ble Supreme Court held therein categorically that post facto rationalisation cannot be resorted to in order to cure an inherently arbitrary action.

4. In response to these contentions, learned Special Government Pleader submits that a protest petition was received from the principal, Lakshmanan. Although Section 22A(2) of the Registration Act, 1908, is not referred to in the orders impugned herein, he submits that it was noticed by the respondents that an unapproved lay out was created by Mr.Lakshmanan and that various plots have been conveyed. He points out that the principal, Lakshmanan, continued to convey plots even after executing the power of attorney in favour of E.Seeralan.

5. The impugned order of the Sub Registrar, which was affirmed by the appellate authority, refers to the information received from the principal



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regarding the proposed cancellation or revocation of the power of attorney.

As long as the power of attorney remains in force, the agent is empowered to undertake all actions authorized under such instrument. On the ground that the principal proposes to revoke the power of attorney, a request for registration of a document executed by the agent cannot be refused. As regards the second reason, namely, the proceedings dated 13.12.2021, learned counsel for the petitioner has pointed out that the said proceedings pertain to item – 1 and document No.1244/2018 relating thereto, and item – 3 and document No.3037/2014 pertaining thereto. *Prima facie*, it appears that the said proceedings did not relate to land in S.No.274/2 of the aggregate extent of 1.29 acres from and out of which the petitioner has sought to acquire 63 ½ cents under the sale deed presented for registration. Therefore, this reason for refusal also cannot be sustained.

6. It is, however, noticeable that Mr.Lakshmanan does not appear to have been put on notice before the orders impugned herein were issued. It is, consequently, unclear as to whether any action was taken by him for the revocation of the power of attorney. Hence, it is just and necessary that he be heard before orders are issued upon remand.



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7. For reasons set out above, both the orders impugned herein are set aside and the matter is remanded to the Sub Registrar for reconsideration. After providing a reasonable opportunity to the petitioner, Mr.Lakshmanan and any other person concerned, a fresh order shall be issued within four weeks from the date of receipt of a copy of this order. No costs.

06.01.2026

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

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SENTHILKUMAR RAMAMOORTHY J.

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