



WEB COPY

W.P(MD)No.9402 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07.04.2026

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P(MD)No.9402 of 2026

Ramesh

... Petitioner

Vs.

The Joint Sub Registrar II
Sivagangai District.

...Respondent

Writ Petitions are filed under article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned refusal check slip in RFL/joint I Sub Registrar Sivagangai/18/2026 dated 23.03.2026

For Petitioner
For Respondent

:Mr.S.Selva Aditya
:Mr.F.Deepak
Special Government Pleader

ORDER

This writ petition is filed challenging the refusal check slip dated 23.03.2026.

2.When the petitioner presented a power of attorney for registration, the same was refused to be registered. According to the petitioner, the



property originally belonged to one Arumugam Chettiyar and the petitioner's father purchased the same by way of a registered sale deed dated 26.07.1963.

3.Now when the petitioner presented the said power of attorney, the same is refused to be registered on the ground that one Muthukrishnan is also claiming title over the said property. It can be seen that the said Muthukrishnan has filed a suit in O.S.No.46 of 2026 before the District Munsif Court, Sivagangai, claiming title over the property and the same is defended by the petitioner in the absence of any interim order of the Civil Court merely because, the suit is pending, the same cannot be considered as determining factor by the Sub-Register to refuse the registration of the power of attorney and therefore, the impugned refusal check slip giving the said reason cannot be sustained.

4.This apart, there is yet another reason that is mentioned in the impugned refusal check slip is that the non production of the parent document. Now, by virtue of Section 34(C) of the Act, it is for the petitioner to produce either the original of the parent document or if the same is lost, non traceable certificate issued by the appropriate police after investigation, has to be produced.



5. In view thereof, this writ petition is ordered on the following terms:

(i) The refusal check slip dated 23.03.2026 shall stand set aside.

(ii) It will be open for the petitioner to re-present the document and upon along with the original parent document or with the non traceable certificate

(iii) Upon the same being re-presented, if there is no other impediment, the power of attorney shall be registered by the respondent.

(iv) No costs.

07.04.2026

NCC: Yes/No

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To
The Joint Sub Registrar II
Sivagangai District.



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D.BHARATHA CHAKRAVARTHY, J.

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