



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.06.2026

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

W.P(MD)No.31722 of 2025

1.K.Riaz Ahamed

2.Santhosh Kumar

3.Krishna Kumar

4.Babu

... Petitioner(s)

- Vs. -

1.The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai -600 028

2.The District Registrar,
Karaikudi Registration District,
Karaikudi, Sivagangai District.

3.The Sub Registrar,
Singampunari,
Sivagangai District.

4.Govindarajan
(R4 is impleaded as per order of this
Court dated 02.06.2026 in W.M.P(MD)
No.25849 of 2025)

... Respondent(s)

Prayer : Writ Petition is filed under Article 226 of the Constitution of India,
praying this Court Writ Petition, filed under Article 226 of the Constitution



of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records relating to the Impugned Refusal Check Slip in Refusal No.RFL/Singampurani Book/2/38 in TP/236088594/2025 dated 17.10.2025 and quash the same as illegal and consequently direct the 3rd respondent to register our Deed of Power of Attorney dated 14.10.2025 in respect of property to an extent of 1815 Sq.Ft(169 sq.mtr) situated at Old Survey No.557/1B, New S.No.557/19B, comprised in G.R.Patta No.229, in Sundaram Nagar, New Ward NO.9, Old Ward No.5, Singampunari North Town, Singampunari, Karaikudi Registration District and pass such further or other or

For Petitioner	:Mr.T.Veerakumar
For R1 to R3	:Mr.R.Parthiban, Government Advocate
For R4	:Mr.VR.Shanmuganathan

ORDER

This writ petition is filed challenging the impugned refusal check slip dated 17.10.2025.

2.Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the case of the petitioner is that the property originally belonged to one Sundaram Chettiar, he executed a registered Will dated 07.01.2004 in favour of Lakshmi Ammal, who was his second wife. Subsequently, he died on 06.08.2005 and the property devolved on the said Lakshmi Ammal. The said Lakshmi Ammal in turn sold the property in favour of one Badri Narayanan, by a registered Sale deed, dated 22.05.2009

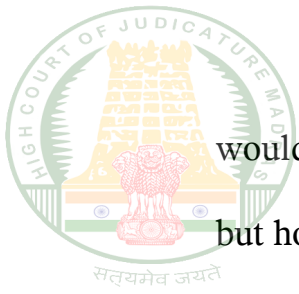


vide Document No.699/2009. The said Badri Narayanan constituted one Ganesan as his power of Attorney agent, which is registered as Document No.70/2012. On the strength of the said power of attorney, the said Badri Narayanan, through his power agent, sold the property in favour of the petitioners. The petitioners now have presented the document being yet another power of attorney constituting an attorney agent which is now refused on the objection of the four respondent.

3. According to the learned counsel for the petitioner, the four respondent is claiming rival title in respect of the said property and they have already filed a civil suit in OS.No.104 of 2008 which is now renumbered and after transfer to the file of the District Munsif Court, Singampunari and the suit is now renumbered as O.S.No.3 of 2019. Merely based on their objection, the power of attorney document cannot be refused.

4. The learned counsel appearing on behalf of the Sub-Registrar would submit that when there are rival claims and the entire claim and counter claim is made on the basis of the Will and codicil which is the subject matter of the suit, the registration is refused by the Sub-Registrar.

5. The learned counsel appearing on behalf of the 4th respondent



would submit that it is true that the property belonged to Sundaram Chettiar but however, there is an unregistered codicil to the registered Will and as per the unregistered codicil, it is only the 4th respondent who is the legatee under the codicil. Already suit is filed and the same is pending now the prayer is also sought to be amended by converting the suit is one of declaration. Therefore, in the interregnum, if the document is permitted to be registered on the strength of the document, the 4th respondent possession is also sought to be interfered with.

6.It is the further contention of the learned counsel for the 4th respondent that even under the alleged Will claim by the petitioners, not even the correct survey number is mentioned and the claim for title by the petitioners is absolutely unsustainable.

7.I have considered the rival submissions made on either side and perused the material records of the case.

8.From the pleadings made on behalf of the petitioner as well as the 4th respondent, it can be seen that it is a question of title. The petitioner claimed title through the registered Will and the respondent claimed title through the codicil. If the matter is pending before the civil Court and it is



for the Civil Court to decide the issue in the manner known to law. In the interregnum, unless there is an order of injunction restraining the parties from dealing with the property, the Sub-Registrar cannot refuse to register any of the document. Further, it can be seen that the document which is presented is nothing but a power of attorney.

9. In that view of the matter, the reasons contained in the impugned refusal check slip cannot sustain. Ultimately, if the 4th respondent is declared to be the owner of the property in the said suit, everything that has happened *pendente lite* will not bind him. If the 4th respondent further apprehends that his possession will be disturbed, it is for the 4th respondent to convince the Civil Court about the prima facie case and balance of convenience and pray for injunction and the registration of the document or the registration process cannot be itself cannot defeat the said grievance. The said liberty on behalf of the 4th Respondent is kept open.

10. It is also stated that the patta stands in the name of Sundaram Chettiar, through him only title is traced by the petitioners. Therefore, the mutation need not be insisted upon for the purpose of registering the power of attorney. In view thereof, this writ petition is ordered on the following terms:



(i)The impugned refusal check slip dated 17.10.2025 shall stand set aside.

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(ii)It will be open for the petitioner to re-present the document within a period of two weeks along with the web copy of this order, and upon such re-presentation, if there is no other impediment, the power of attorney shall stand registered.

(iii)The rights of the 4th respondent will not be affected and it will be dependent upon the ultimate orders / decree that will be passed by the Civil Court in the pending OS.No.3 of 2019(if pending), will decide the issue on its own merits without being carried away by any of the observation made on behalf of any one of the parties here.

(iv)No costs.

02.06.2026

NCC:Yes/No

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To

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Karaikudi, Sivagangai District.

3.The Sub Registrar,
Singampunari,
Sivagangai District.



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D.BHARATHA CHAKRAVARTHY, J.

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