

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 28th day of January, 2009

BEFORE

THE HON'BLE MR. JUSTICE N KUMAR

Writ Petition No. 19046 of 2007 (GM-ST/RN)

BETWEEN:

A T Ballegowda
S/o Manchegowda @ Thammaiah
Aged about 47 years
Resident of Annur Village
C.A. Kere Hobli
Maddur Taluk
Mandya District

...Petitioner

(By Sri S.P. Kulkarni, Advocate)

AND:

1 Inspector General of Stamps
& Registration in Karnataka
Cauvery Bhavan
K.G. Road
Bangalore - 560 009

2 Senior Sub-Registrar
Malavalli Taluk
Malavalli - 571 430

... Respondents

(By Smt. A.R. Sharadamba, AGA)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India, praying to direct the respondent-2,

Sub-Registrar, Malavalli to register the conveyance Deed namely, sale deed presentation for registration on 21-11-2007 in accordance with law by quashing the endorsement/order issued by the 2nd respondent Sub-Registrar, Malavalli, dated 21-11-2007 issued refusing to register the sale deed vide Annexure-F.

This Writ Petition coming on for preliminary hearing in 'B' Group this day, the Court made the following:

O R D E R

The petitioner has challenged in this writ petition the endorsement issued by the Sub-Registrar as per Annexure-F calling upon the petitioner to pay the deficit stamp duty as mentioned by him and register the power of attorney authorising the power of attorney holder to execute the document and make the payment mentioned in the documents as paid before him, before he could register the document.

2. Learned Counsel for the petitioner submits that the power of attorney was registered and it was in his possession. Without properly looking into the said documents he has called upon the petitioner to produce the registered document. Therefore, he contends that the Sub-Registrar

should be directed to register the document without insisting on the registered document.

3. A perusal of the endorsement shows that the power of attorney which was shown to the Sub-Registrar was not registered. Therefore, he wanted the said power of attorney duly endorsed or registered produced before him, before he could effect registration. If as contended by the petitioner the power of attorney is already registered, it is open to him to go to the Sub-Registrar, hand over the registered power of attorney on which he relies on, comply with other objections raised by him and thereafter request him to register the document. In those circumstances, I do not find any merit in this writ petition. **Accordingly it is rejected.**

Sd/-
Judge

ksp/-