



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.05.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P. (MD) No.8190 of 2015

and

M.P. (MD) No.1 of 2015

WEB COPY

1. KULANDAIAPPAN
2. PANNERSELVAM
3. P.MALLIKA
4. R.CHELLAMAMMAL
5. P.AMUTHA

.. Petitioners

Vs.

1. THE DISTRICT REGISTRAR,
DEPARTMENT OF REGISTRATION,
PUDUKKOTTAI.
2. THE SUB REGISTRAR,
OFFICE OF THE DISTRICT REGISTRAR,
PUDUKKOTTAI.
3. NAMASIVAYAM

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a WRIT OF MANDAMUS thereby direct the 2nd respondent to permit the petitioners to cancel the Power of Attorney deed executed by the petitioner on 15.3.2011 in favour of the 3rd respondent without insisting the presence of 3rd respondent.

For Petitioner : Mr.P.Ganapathi Subramanian
For R1 and R2 : Mr.M.Murugan, A.G.P.

O R D E R

Mr.M.Murugan, learned Additional Government Pleader, takes notice for the respondents 1 and 2. With the consent of both parties, this writ petition is taken up for final disposal.

2. The petitioner seeks for issuance of a writ of mandamus to direct the 2nd respondent to permit the petitioners to cancel the Power of Attorney deed executed by the petitioner on 15.3.2011 in favour of the 3rd respondent without insisting the presence of 3rd respondent.

3. According to the petitioners, they are the absolute owners of the property comprised in various sub divisions of T.S.Nos.8640 and 8645 totaling about 85 numbers and measuring about 20 acres and 209 cents of Pudukkotai Town, Karinadu, Melavathune Alangal Village. Further, it is stated that they executed a general power of attorney deed in favour of the third respondent and the said power of attorney deed was registered as document No.619 of 2011, on the file of the second respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Further, it is submitted that on the strength of the said power of attorney, the third respondent tried to alienate the said property to



third parties. Therefore, the petitioners have approached the second respondent to cancel the said power of attorney, but the second respondent insisted the petitioners to bring the third respondent also for the cancellation of the Power of Attorney Deed executed by the petitioners on 15.03.2011 in favour of the third respondent and failed to appreciate the fact that as per the Circular No.42938/E1/09 dated 18.12.2009 and 15.06.2010, the presence of the power agent is not required for cancellation of Power of Attorney deed and the executants alone are sufficient to cancel the document, which according to the petitioners are not legally correct and not sustainable. With these facts, the petitioners have approached this Court by filing the writ petition seeking the relief as stated above.

5. The learned counsel for the petitioners submitted that there are two circulars issued by the Inspector General of Registration, which govern the manner in which the document for cancellation of the power of attorney could be accepted for registration. In this regard, the learned counsel produced the copy of the said circulars, dated 18.12.2009 and 15.06.2010.

6. The learned Additional Government Pleader submitted that the respondents may be directed to take note of the said circulars and act in accordance with law.

7. In the light of the above facts, since already circulars have been issued by the Inspector General of Registration, there will be a direction to the second respondent to take note of the above said circulars and take a decision in accordance with law, after issuing notice to the petitioners and the respondents 1 and 2 within a period of three weeks from the date of receipt of a copy of this Order.

8. With the above observation, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer/

Assistant Registrar

/True copy/

Sub Assistant Registrar

To:

1. THE DISTRICT REGISTRAR,
DEPARTMENT OF REGISTRATION, PUDUKKOTTAI.
2. THE SUB REGISTRAR,
OFFICE OF THE DISTRICT REGISTRAR, PUDUKKOTTAI.

+1CC to M/s.P.Ganapathi Subramanian, Advocate in SR.25396
+1CC to the Special Government Pleader in SR.25629

W.P.(MD) No.8190 of 2015
14.05.2015

rj2/trp

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