

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.7495/2016 &

1. G.Ezhilarasan
2. G.Arulalan
3. G.Gopinath
4. A.Monica Sri
5. P.Subramaniam
6. S.Nagarajan
7. S.Parthasarathy
8. S.Sumathi
9. P.S.Latha
10. Padmini
11. S.Prakash
12. K.Kothandaraman @ Kodandaram ... Petitioners

Vs.

1. The Inspector General of Registration,
Shanthom, Chennai - 600 004.
2. The District Registrar, Chennai North,
No.1, Mhoorthygal Lane,
1st Line Beach, Chennai - 600 001.
3. The sub Registrar, Royapuram,
No.26, Rajaji Salai, Near GPO,
Chennai - 600 001. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified mandamus to call for the records in impugned Order passed by the third respondent in 'Check slip' No.1 of 2015 date 20.10.2015 and quash the same and consequently direct the third respondent to accept and register 'Deed of Revocation' executed by the petitioners on 20.10.2015.

For Petitioners	:	Mr.M.Velmurugan
For Respondents	:	Mr.A.Kumar
		Spl. Government Pleader

ORDER

Heard the learned counsel for the petitioners and Mr.A.Kumar learned Special Government Pleader who accepts notice on behalf of the respondents and with the consent on either side, the writ petition is taken up for final disposal.

2. The case of the petitioners is that the petitioners along two other persons have appointed one R.G.Shailender Sing, Mir Basharith Ali and B.Anil Son as their Power of Attorneys to deal with their Estate properties and the same was registered vide Document No.238 of 2011 dated 23.02.2011. Subsequent to the execution of the said Power of Attorney, the petitioners came to know that the Attorneys were acting and also continue to act in a manner which was detrimental to their interests. Therefore, they have decided to revoke the deed to prevent any damage to their interest. When the petitioners submitted a Deed of Revocation before The SRO, Royapuram seeking to revoke the earlier General Power of Attorney, the Sub Registrar instead of admitting execution and registering of the Deed of Revocation, refused to register the same by issuing a Check Slip dated 20.10.2015, stating that said General Power of Attorney was for consideration and that the Attorneys had interest and that he will not able to register the same under section 202 of the Indian Contracts Act, 1872. Therefore, the petitioners preferred an appeal on 23.10.2015 before the second respondent and the same remains unnumbered. Hence, the petitioner has come forward with the present Writ Petition.

3. The only grievance of the petitioners is that even though they have preferred an appeal against the impugned order before the second respondent, it has not been numbered till date.

4. In view of the submissions of the petitioners, the second respondent is directed to take on file of the appeal filed by the petitioners on 23.10.2015, if it is otherwise in order and proceed further with the appeal in accordance with law.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector General of Registration,
Shanthom, Chennai - 600 004.
2. The District Registrar, Chennai North,
No.1, Mhoorthygal Lane,
1st Line Beach, Chennai - 600 001.
3. The sub Registrar, Royapuram,
No.26, Rajaji Salai, Near GPO,
Chennai - 600 001.

+1cc to Mr.M. Velmurugan, Advocate, S.R.No.61504
+1cc to the Government Pleader, S.R.No.61597

mv (CO)
md (10/11/2016)

W.P.No.7495/2016

सत्यमेव जयते

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