



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.(MD).No.16389 of 2017
and
W.M.P.(MD)No.13055 of 2017

Anna

... Petitioner

Vs.

1.The Sub Registrar,
Manachanallur,
Sub Registrar Office,
Musiri Taluk,
Trichy District.

2.S.Senguttuvan

... Respondents

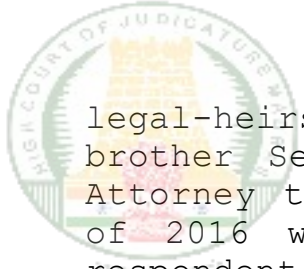
PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to declare that the Power of Attorney Deed executed and registered in favour of the second respondent in Document No.4708/2013 dated 10.10.2013 has no legal validity and it cannot be used without approval from Reserved Bank of India.

For	Petitioner	: Mr.N.Sundareshan
For	R-1	: Mr.G.Muthu Kannan, Government Advocate

O R D E R

The petitioner has filed this writ petition for a direction to the first respondent to declare the Power of Attorney Deed executed and registered in favour of the second respondent has no legal validity.

2.The case of the petitioner is that the second respondent's father Samivel instituted a suit in O.S.No.168 of 2007 before the District Judge, Madurai against the petitioner and other 13 defendants seeking partition and separate possession of the suit property. After the demise of the original plaintiff, his



legal-heirs were impleaded as plaintiffs. The second respondent's brother Sebi, who is the citizen of Canada, executed Power of Attorney to prosecute the suit. When the application in I.A.No.1 of 2016 was filed seeking permission to recognise the second respondent as his Power of Attorney of the said suit, it was objected by the petitioner. The Principal District Judge, Madurai allowed the application, on 04.01.2017. Hence, the present writ petition.

3. Heard Mr.N.Sundareshan, learned counsel for the petitioner and Mr.G.Muthu Kannan, learned Government Advocate for the first respondent.

4. The learned counsel for the petitioner would contend that the said Sebi is a Canadian citizen and the Power of Attorney was registered by the first respondent without following proper procedure and it is to be declared as void.

5. The main grievance of the petitioner is that the said Sebi, who is Canadian citizen cannot purchase the property on his own without seeking permission of the Reserve Bank of India.

6. It is not in dispute that the original suit was filed by the second respondent's father claiming share in the ancestral properties. Hence, I find it difficult to countenance the contention raised by the petitioner. Further, it is to be noted that the partition suit came to be filed a decade ago, is still pending. The competent civil court allowed the interim application permitting the agent to represent his principal, without challenging the order in the manner known to law, the petitioner cannot maintain the writ petition. In view of the above facts, I am of the opinion that the petitioner is not entitled for the relief in the writ petition.

7. In fine, this writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

The Sub Registrar, Sub Registrar Office, Manachanallur,
Musiri Taluk, Trichy District.

+One cc to Mr.N.Sundareshan, Advocate, SR.No.75970

sm/er

RL/3C/2P/MR/KKR/SAR1/12/10/2017

W.P. (MD) No.16389 of 2017