

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.No.736 of 2018
and
C.M.P.No.7060 of 2018

K.Venkateswara Raju ... Appellant

-vs-

1.The Sub-Registrar,
Ambattur, Thiruvallur District.

2.J.Venkatesan ... Respondents

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.5259 of 2018 dated 08.03.2018.

WP.No. 5259 of 2018 Prayer: Writ Petition filed under Article 226 of the constitution of India for issuance of a Writ of Declaring the registration of the deed of revocation of the power of attorney dated 12.07.2017 in Document No.8945 of 2017 on the file of the Sub Registrar Ambattur as null and void.

For Appellant :: Mr.Baskar for Mr.N.Elumalai
For Respondents:: Mr.T.N.Pappaiah, Spl.GP for R1

JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

The appellant herein filed a writ petition in W.P.No.5259 of 2018 for issuance of a Writ of Declaration to declare the registration of the Deed of Revocation of Power of Attorney dated 12.07.2017 in Document No.8945 of 2017 on the file of the first respondent, as null and void. The learned single Judge has disposed of the writ petition observing that since the issue raised is purely civil in nature, the matter has to be agitated only before the competent Civil Court by filing appropriate civil Suit, by order dated 08.03.2018. Challenging the said order, the present writ appeal is filed.

2.The learned counsel for the appellant has relied upon the Full Bench decision of this Court in *Latif Estate Line India Ltd. vs.Hadeeja Ammal*, reported in 2011(2) CTC 1 and the Division Bench decision of this Court in *Sudha Ravi Kumar and another vs. The Special Commissioner and Commissioner, Chennai-34 & others*, reported in 2017-1-Writ L.R.481 and submitted that the deeds cannot be cancelled unilaterally. He further submitted that writ jurisdiction under Article 226 can be invoked in the present case.

3.Per contra, the learned Special Government Pleader appearing for the first respondent has submitted that the matter has to be decided only by the competent civil Court and hence the impugned order passed by the learned single Judge does not require any interference.

4.Heard the learned counsel on either side and perused the materials available on record.

5.The judgments of this Court relied upon by the learned counsel for the appellant relates to cancellation of registration / sale deeds, which subject is no way connected to the present writ appeal. The issue involved in the present case is only about the cancellation of Power of Attorney granted in favour of the appellant. According to the appellant, he has invested huge money by virtue of which power of attorney was executed, but without proper notice and without any information, the same has been cancelled unilaterally.

6.After considering the facts and circumstances of the case, the learned single Judge has observed that the issue raised is purely a civil dispute between the appellant and the second respondent which has to be agitated only before the competent civil Court by filing appropriate civil suit and that filing of the writ petition is not a proper course. We are not inclined to differ with the view taken by the learned single Judge. Hence, the writ appeal is dismissed. No costs. Consequently the connected miscellaneous petition is closed. The appellant is at liberty to approach the competent civil Court for appropriate declaratory relief.

Sd/-

Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

KM

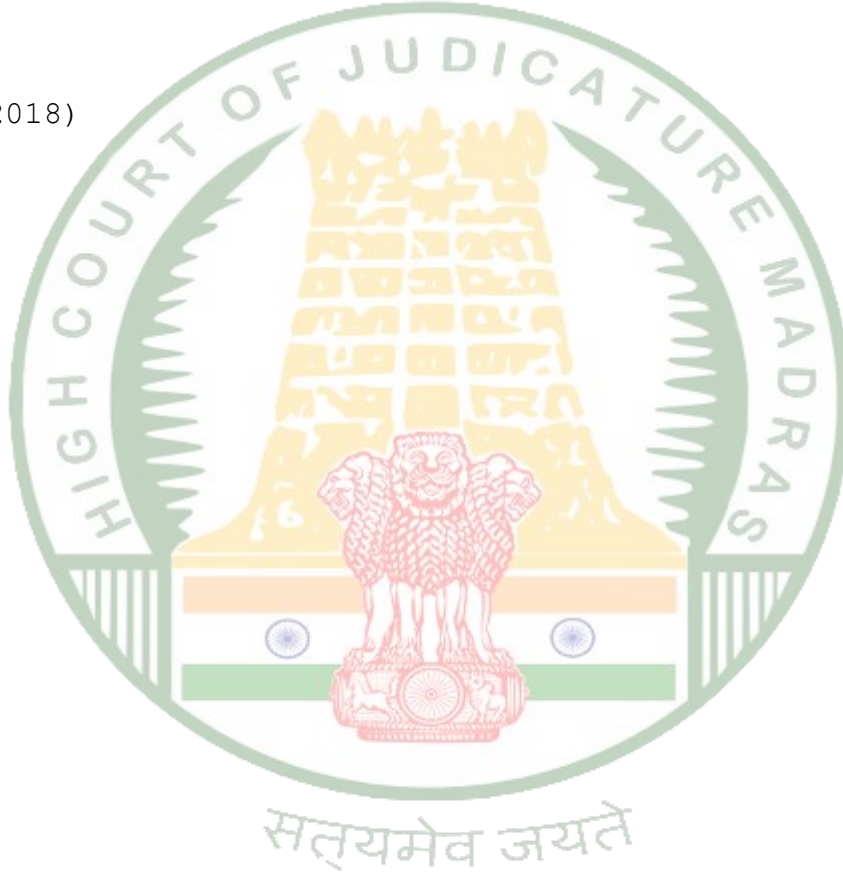
To

1.The Sub-Registrar,
Ambattur, Thiruvallur District.

+1cc to Mr.N.Elumalai, Advocate SR.No.35937
+1cc to Government Pleader SR.No.37867, 36276

W.A.No.736 of 2018
and
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