



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.10.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.26242 of 2019

T.Viswanath,
S/o.Mr.T.P.Thiyagarajan,
New No.63, Venkatrangam Street,
Triplicane, Chennai - 600 005.

... Petitioner

/versus/

1. The Inspector General of Registration,
O/o. The Inspector General of Registration,
Santhome High Road,
Chennai - 600 028.

2. The Sub-Registrar,
Office of the Sub-Registrar,
T.Nagar, Chennai - 600 017.

3. Mr.R.Kishan,
S/o.Mr.K.S.M.Rajan,
No.7/23, 1st Cross Street,
T.T.K.Road, Alwarpet,
Chennai - 600 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the 2nd respondent to accept the Deed of Cancellation of General Power of Attorney dated 30.01.2019, registered as document No.876 of 2019, on the file of Sub-Registrar's Office, T.Nagar.

For Petitioner : Mrs.M.G.Rajeswari

For R1 & R2 : Mr.T.M.Pappiah,
Special Government Pleader

For R3 : Mr.Praveen Kumar

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondents

2. The contention of the petitioner is that, the Power of Attorney executed by him and six others sought to be canceled by deed dated 22.07.2019, which was refused to be rejected by the Sub Registrar, on the ground that there is an objection by the 3rd respondent/Kishan.

3. The Learned Counsel appearing for the 3rd respondent would submit that, he has filed suit in O.S.No.6007 of 2019, on the file of XV Assistant City Civil Court, Chennai, seeking relief of restraining the Sub Registrar, T.Nagar, Saidapet, Chennai, from registering any document for cancellation of the Power of Attorney on 30.01.2019 which is coupled with the commitment under Joint Development Agreement, executed by the principals. Since the matter has been seized of by the competent Civil Court, the relief of the petitioner herein has to be agitated before the Civil Court, where the petitioner is one of the defendant. Till then, the 7th respondent/Sub-Registrar, Saidapet, Chennai, in O.S.No.6007 of 2019 is justifiable in not registering the cancellation deed presented by the petitioner.

4. Hence, the Writ Petition is disposed. No Costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

bsm

To,

1. The Inspector General of Registration,
O/o. The Inspector General of Registration,
Santhome High Road,
Chennai - 600 028.

2. The Sub-Registrar,
Office of the Sub-Registrar,
T.Nagar, Chennai - 600 017.

+1cc to Mr.M.Praveen Kumar, Advocate SR.85963
+1cc to Mr.T.V.Vineeth Kumar, Advocate SR.85940
+1cc to the Government Pleader SR.86099

W.P.No.26242 of 2019

PA(CO)
CB(19/11/2019)