



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.09.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.27005 of 2019

Mrs.F.Syed Afroze Fatima,
W/o.Mr.M.U.Akheel Ahmed,
22-1-875/1/A, Noorkhan Bazaar, Darushifa,
Hyderabad, Andhra Prades - 500 024. ... Petitioner

/versus/

1. The Inspector General of Registration,
Santhome High Road,
Chennai - 600 004.
2. The District Registrar,
South Chennai, D.R.O,
Electronic Complex,
SIDCO Complex,
Guindy, Chennai - 600 032.
3. The Sub Registrar,
Neelankarai, Chennai - 600 041.
4. Mr.M.U.Akhil Ahmed,
S/o.M.G.Usman, 4/358, Chaintya Avenue,
Anna Salai, Palavakkam, Chennai - 600 041.
5. M/s.Emerald Haven Town & Country Private Limited,
Represented by its authorised Signatory Shri.R.Chandrmouli,
Jayalakshmi Estates, No.29, Haddows Road,
Nungambakkam, Chennai - 600 006. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, to direct the respondents 1 to 3 to consider the representation dated 12.07.2019 and pass orders.

For Petitioner : Mr.A.Syed Kaleesha.

For R1 to R3 : Mr.T.M.Pappiah,
Special Government Pleader

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Special Government Pleader for the respondents 1 to 3.

2. The case of the petitioner is that, she gave Power of Attorney to her Husband who is the 4th respondent herein, without mentioning any property but her husband has misused the Power of Attorney document and has registered a sale deed in favour of the 5th respondent. Alleging that, the Sub Registrar has not properly verified the Power of Attorney document, accepted the sale deed and same has been registered as document No.1699/2018-BK-1. Hence, knowing the illegal transfer, she has given a representation on 12.07.2019, to cancel the sale deed fraudulently registered.

3. The Learned Counsel for the petitioner would submit that, the recital in the power of Attorney document, dated 04.11.2012 does not confer any power to sell the property to the Power Agent. Therefore, the Sub Registrar, ought not to have relied upon that document for registering sale in favour of the 5th respondent.

4. Contrarily, the Learned Special Government Pleader for the respondents would submit that, the General Power Attorney duly registered as document No.16/2012, on 4th January 2012, has given omnibus power to the principle to execute and register any document or documents or sale deeds or deed with the vendor on my behalf and present the sale deed or document before any Registering Authorities.

5. The Learned Counsel for the petitioner would submit that, the recital in the power deed restricts only to the purchase of property on behalf of the petitioner and not sale of property. A complete reading of the power of attorney document, more particularly paragraph No.6 does not restricts any particular property or any particular Act. It has given fully power to the principle both to purchase as well as to sell the property. If the petitioner is aggrieved that her husband as a power agent, has cheated her, so she has to work out the remedy before the competent Civil Court or she must along with the power agent and other parties interested should present cancellation deed. Mere representation will not be suffices for the Sub Registrar, Neelankarai, Chennai, to Act upon the request.

6. Accordingly, the Writ Petition is dismissed with devoid of merits. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bsm

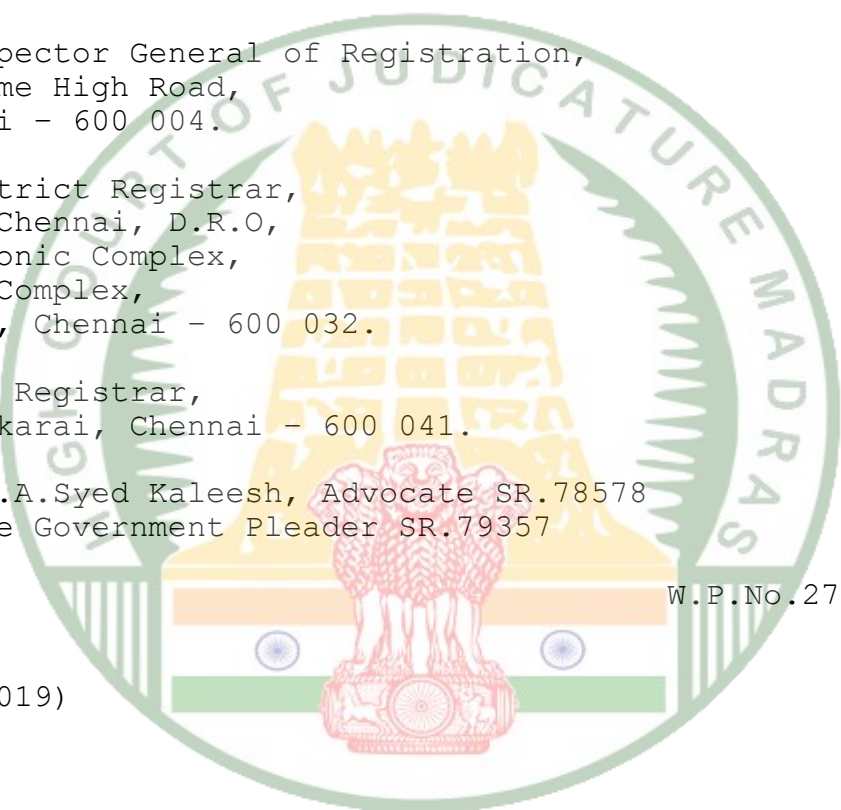
To,

1. The Inspector General of Registration,
Santhome High Road,
Chennai - 600 004.
2. The District Registrar,
South Chennai, D.R.O,
Electronic Complex,
SIDCO Complex,
Guindy, Chennai - 600 032.
3. The Sub Registrar,
Neelankarai, Chennai - 600 041.

+1cc to Mr.A.Syed Kaleesh, Advocate SR.78578
+1cc to the Government Pleader SR.79357

W.P.No.27005 of 2019

SS(CO)
CB(23/10/2019)



सत्यमेव जयते

WEB COPY