

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5765 of 2019

ORDER:

The prayer of the petitioner in this case reads as under:-

"For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring action of the respondent No.4 in not receiving and processing the Revocation of General Power of Attorney presented by the petitioner as illegal, improper, arbitrary, unconstitutional and against the principles of natural justice and consequently direct respondent No.4 to receive and processes the document presented by the petitioner, i.e., Revocation of General Power of Attorney and pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case."

Perusal of the registered General Power of Attorney executed by the petitioner naming several individuals, bearing document No.6800/2014, demonstrates that no interest was created thereunder in favour of the power of attorney holders. It was a GPA simplicitor authorising the power of attorney holders to undertake various acts on behalf of the principal, the petitioner herein. In the event no interest is created in the power of attorney holders, Section 202 of the Indian Contract Act, 1872, would not be attracted. In such a situation there would be no embargo against unilateral revocation of such a GPA. The Sub-Registrar, Stamps and Registration, Balkonda, seems to have lost sight of this vital aspect and is stated to have refused to receive the revocation document presented by the petitioner for registration.

The Writ Petition is accordingly disposed of directing the Sub-Registrar, Stamps and Registration, Balkonda, to receive and

process the revocation document presented by the petitioner in connection with the GPA bearing document No.6800/2014 in accordance with the due procedure. In the event the said document is found to be otherwise in order and in compliance with the requirements of the Registration Act, 1908, and the Indian Stamp Act, 1899, the Sub-Registrar shall complete the registration formalities and release the document.

Pending Miscellaneous Petitions, if any, shall stand disposed of in the light of this final order. No order as to costs.

20th March, 2019
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JUSTICE SANJAY KUMAR

