

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5/1/2021

C O R A M

THE HON'BLE MR.JUSTICE S.SUNDAR

Writ Petition No.10980 of 2016

N. Jayaraman

... Petitioner

Vs

1. The Inspector General of Registration
Department of Registration
No.100 Santhome High Road
Chennai 600 028.
2. The Deputy Inspector General of Registration
Department of Registration
TVS Tollgate Road
Opposite to Jamal Mohammed College
Trichy.
3. The District Registrar
Department of Registration
No.12 Perumal Koil Street
Ariyalur 621 704.
4. The Sub-Registrar
Department of Registration
Valikandapuram
Ariyalur District.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents 1 to 3 to consider and dispose of the representation dated 21/9/2015 and take action against 4th Respondent.

For petitioner

...

Mr.C.Munusamy

For respondents

...

Mr.P.P.Purushothaman
Government Advocate

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O R D E R

The petitioner has filed this writ petition, for issuing a writ of mandamus, directing the respondents 1 to 3, to consider and dispose of the petitioner's representation, dated 21/9/2015, and to take action against the fourth respondent.

2. Heard Mr.C.Munusamy, learned counsel for the petitioner and Mr.P.P.Purushothaman, learned Government Advocate for the respondents.

3. In the representation, it is stated by the petitioner that Power of Attorney Deed was executed by one Mumtaj Begum and others in favour of the petitioner and another person by name Shahul Hameed and that they have paid a sum of Rs.25 lakhs as consideration pursuant to an agreement of sale. In short, it is contended by the learned counsel for the petitioner that the power is coupled with interest. It is admitted that Power of Attorney Deed was cancelled by the principal and the same was also registered as Document No.3979 of 2014. Pursuant to the cancellation of Power of Attorney Deed, petitioner has requested the respondents to cancel the registration of the document cancelling the original Power of Attorney Deed. After making a representation dated 21/9/2015, writ petitioner has filed the present writ petition.

4. Even in the representation, it is admitted that Power of Attorney Deed was cancelled only the Principal. It is always open to the person, who executed Power of Attorney Deed, to cancel the Power of Attorney Deed. If the Power of Attorney document is executed pursuant to sale agreement, it can be treated as a power coupled with interest. In such cases, it is open to the petitioner to approach the Civil Court for appropriate relief. He cannot compel the registering authority to cancel the registration as such cancellation is not contemplated under the Registration Act. Hence this court, is not inclined to entertain this writ petition and therefore, cannot give relief to the petitioner. Hence it is dismissed. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

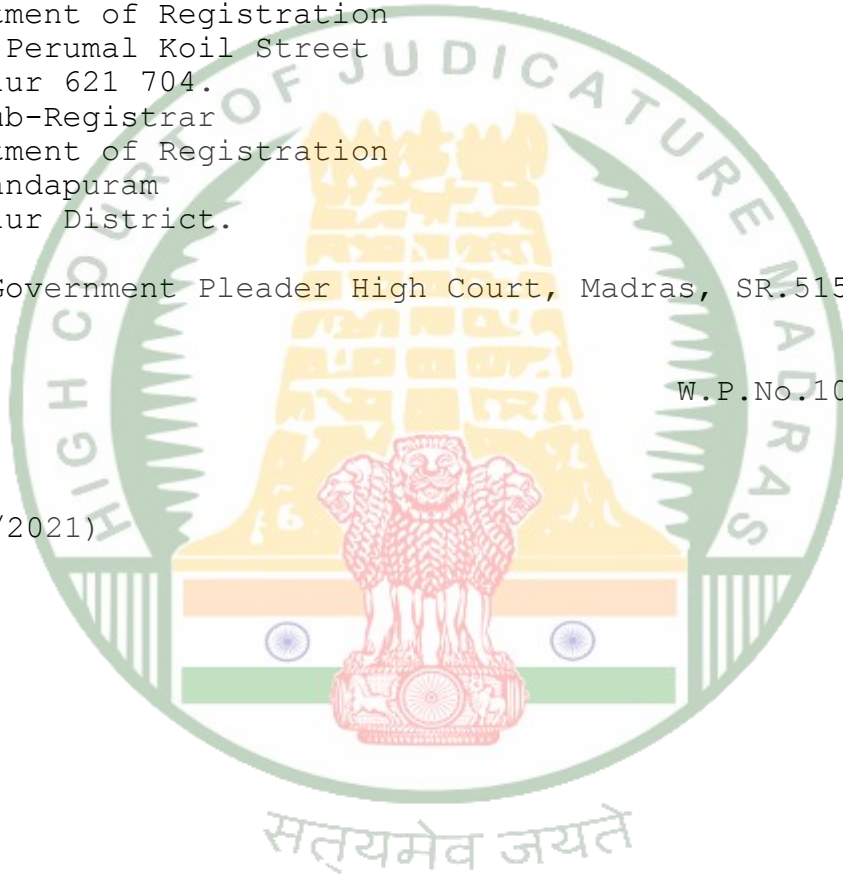
mvs.

To

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- +1 CC to Government Pleader High Court, Madras, SR.515.

W.P.No.10980 of 2016

CA (CO)
NRA (03/02/2021)



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