



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.16530 of 2021

S.Gayathridevi

... Petitioner

Vs.

1. The District Registrar,
District Registrar Office,
Ambattur, Chennai - 600 053.

2. The Sub Registrar,
Ambattur, Chennai - 600 053.

3. Santhalingam

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 30.06.2021 on the file of the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to register the Deed of Revocation of Power of Attorney in Doc.No.P.116 of 2021.

For Petitioner : Mr.B.Janarthkumar

For R1 and R2 : Mr.V.Veluchamy
Government Advocate

ORDER

This Writ Petition has been filed to call for the records relating to the impugned order dated 30.06.2021 on the file of the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to register the Deed of Revocation of Power of Attorney in Doc.No.P.116 of 2021.

2. The case of the petitioner is that the petitioner is the absolute owner of the property measuring an extent of 1,373.50 sq.ft., including a concrete house at Ambattur Taluk, Oragadam Village in S.No.104, P.No.11A and it was settled in her favour by her father through a registered settlement deed dated 19.06.2012 vide Doc.No.6742 of 2012 at Sub Registrar, Ambattur.



Since then, she is in possession and enjoyment of the property. Subsequently, she received a sum of Rs.80,000/- from the 3rd respondent and mortgaged her property without possession deed on 20.02.2020. Subsequently, the 3rd respondent with bad intention obtained a General Power of Attorney dated 22.02.2020 vide Doc.No.2557 of 2020 on the file of the 2nd respondent. Subsequently, she came to know that the attorney holder taking steps against the interest of her and indulged to sold the property and also indulged in land grabbing.

3. The further case of the petitioner is that she sent a letter to the attorney holder and intimated him regarding revocation and also, she made a protest petition dated 16.12.2020 before the 2nd respondent and the same has been numbered as PP/Ambattur/35/2020 dated 17.12.2020. Subsequently, she sent a RPAD to the Attorney holder / 3rd respondent regarding revocation and also made representation to the 2nd respondent through RPAD on 29.04.2021 and 15.06.2021. Thereafter, the 2nd respondent issued a notice dated 30.04.2021 and informed her to appear on 04.05.2021 for enquiry. But, neither the enquiry was conducted nor her representation was considered by the respondent. Hence, she approached this Court by filing a Writ Petition in W.P.No.14022 of 2021, but cleverly in the mean time, the 2nd respondent passed the impugned order dated 30.06.2021 and refused to register her Doc.No.P.116 of 2021 dated 30.06.2021 for revocation of power of attorney. Hence, she filed this Writ Petition before this Court.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent, and perused the materials available on record.

5. On perusal of the records, it is seen that the petitioner has already made a protest petition before the 2nd respondent not to register the above said property based on the General Power of Attorney dated 22.02.2020. Also she sent a notice to the 3rd respondent / Power of Attorney Holder regarding the cancellation of above said Power of Attorney deed before approaching the 2nd respondent for registering the deed of Revocation of Power of Attorney in Doc.No.P.116 of 2021. In the representation given to the 2nd respondent, the petitioner has clearly stated that she mortgaged her property to the 3rd respondent / power attorney holder by receiving Rs.80,000 from him. The copy of the mortgage deed has been filed before the 2nd respondent while approaching him for registration of the revocation deed. But, in spite of the same, the 2nd respondent refused to register the document namely Doc.No.P.116 of 2021 stating that the original settlement deed has not been produced by the petitioner.



6. However, taking into consideration the above facts, this Court hereby directs the petitioner to obtain a certified copy of the original settlement deed dated 19.06.2012 in Doc.No.6742 of 2012 on the file of the 2nd respondent and produce the same before the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such document, the 2nd respondent is directed to conduct an enquiry on the Revocation deed in Doc.No.P.116 of 2021 and pass appropriate orders on merits and in accordance with law, after affording an opportunity to the parties concerned, within a period of eight weeks from the date of receipt of the document.

7. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

raja

To

1.The District Registrar,
District Registrar Office,
Ambattur, Chennai- 600053.

2. The Sub Registrar, Ambattur, Chennai - 600 053.

+1cc to the Government Pleader, S.R.No.50874

W.P.No.16530 of 2021

CA(CO)
CT 06/12/2021