



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2021

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THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 25116 of 2018  
and  
W.M.P. No. 29187 of 2018

T.Anuradha

... Petitioner

-vs-

1. The Sub- Registrar,  
Registrar Office,  
Seylaiyur,  
Tambaram.

2. D.S.Ranganathan

... Respondents

(R2 impleaded vide order dated 19.03.2021  
made in W.M.P. No. 31355 of 2018 in  
W.P. No. 25116 of 2018 by SSSRJ)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent to register the deed of cancellation of Power of Attorney deed in respect of Power of Attorney dated 21.06.2017 vide document No.7485 of 2017 on the file of SRO Seylaiyur without insisting presence of the Power Holder and to pass orders.

For Petitioner : Mr.S.Arivazhagan

For Respondents : Mr.Richardson Wilson  
Counsel for Government for R1

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the first respondent to register the deed of cancellation of Power of Attorney deed in respect of Power of Attorney dated 21.06.2017 vide document No.7485 of 2017 on the file of SRO Seylaiyur without insisting presence of the Power Holder.



2. The case of the petitioner is that, the petitioner has executed a Power of Attorney in favour of the second respondent on 21.06.2017 and that was registered before the first respondent / Registrar Office on 05.07.2017 vide Document No.7485 of 2017 in Book No.I.

3. Though under the said power, the petitioner nominated the second respondent as a Power Holder, it seems that, the second respondent has not acted upon as per the wishes of the petitioner and therefore, he wanted to cancel the power, therefore, he executed a Revocation of General Power of Attorney on 16.08.2018 and the same was presented before the first respondent for registration. According to the petitioner, the first respondent insisted the petitioner to bring the second respondent, i.e., Power Holder and only after having enquired him alone, the Revocation of General Power of Attorney executed by the petitioner would be registered.

4. The said insistment according to the petitioner is not required under law. Therefore, aggrieved over the same, he has approached this Court by filing the present Writ Petition with the aforesaid prayer.

5. Heard Mr.S.Arivazhagan, learned counsel appearing for the petitioner who would submit that, under the law, if the principal wanted to cancel the power executed by him, the same has to be presented before the concerned Registrar Office for registration and it is for the Registrar concerned to verify, whether, the recital stated in the Revocation of General Power of Attorney is proper and accordingly, after applying with the legal formalities, he has to register the same. Instead, he cannot insist upon the principal to bring the Power Holder in whose favour, the power given is sought to be revoked under the present deed.

6. The said insistment made by the first respondent is against law, therefore, insistment of the petitioner to bring the Power Holder for the purpose of cancellation of registered deed presented by the petitioner is to be restrained and therefore a direction to that issue by way of Mandamus may be issued, he contended.

7. On the other hand, the learned counsel for the Government appearing for the first respondent would submit that, no doubt,



if at all, the petitioner is the principal, who already executed the power in favour of the second respondent and now he wanted to cancel the power and in this regard, if he executed the revocation of the power and presented the document before the first respondent office for registration, certainly, that would be registered, of course on verification of the same, if it is otherwise in order. In this regard, no Registering Authority would insist upon the principal to bring the Power Holder and therefore, without making any such insistment as apprehended or alleged by the petitioner, certainly, the revocation deed which is in question presented by the petitioner would be considered for registration and in this regard, some time may be given to the first respondent to verify the same and to pass orders necessarily on merits.

8. Though the second respondent, i.e., Power Holder has been impleaded subsequently by order of this Court dated 19.03.2021, whether notice has been served on him or not, has not been present before this Court. However, this Court is inclined to dispose of this Writ Petition, as the interest of the second respondent would not be prejudiced in any way by the order that is going to be passed herein.

9. As has been rightly pointed out by the learned counsel appearing for the petitioner which is endorsed by the learned counsel for the Government appearing for the first respondent, at the time of registering the cancellation of power, the presence of the Power Holder is not required. Therefore, without insisting the presence of the Power Holder, the Revocation of General Power of Attorney which is in question could be registered, if it is otherwise in order.

10. In that view of the matter, this Court is inclined to dispose of this Writ Petition with the following orders:

"(i) That there shall be a direction to the first respondent to receive the Revocation of General Power of Attorney executed by the petitioner dated 16.08.2018 and register the same, if it is otherwise in order, without insisting the presence of the Power Holder namely the second respondent D.S.Ranganathan and the needful as indicated above shall be undertaken by the first respondent within a period of two weeks from the date of presentation of the original Revocation of



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General Power of Attorney dated 16.08.2018, pursuant to this order.

(ii) In this context, the petitioner is permitted to present the revocation document within one week from the date of receipt of a copy of this order. On receipt of the same, the needful as indicated above shall be undertaken by the first respondent within a period of two weeks."

11. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

vji

To

The Sub- Registrar,  
Registrar Office,  
Seylaiyur,  
Tambaram.

+1cc to Mr.S.Arivazhagan, Advocate, S.R.No.28346

+1cc to the Government Pleader, S.R.No.28439

W.P. No. 25116 of 2018  
and  
W.M.P. No. 29187 of 2018

LN(CO)  
RLP(29/07/2021)