



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.14777 of 2020

and W.M.P. (MD) No.12431 of 2020

(Through Video Conference)

WEB COPY

T.Maheswari

...Petitioner

Vs.

1) The Inspector General of Registration,
The Registration Department,
Head Office, Chennai.

2) The District Registrar,
District Registrar Office,
Tiruchirapalli,
Tiruchirapalli District.

3) The Sub-Registrar,
Sub-Registrar Office,
Woraiyur, Tiruchirapalli District.

4) K.M.A.Jinnah

... Respondents

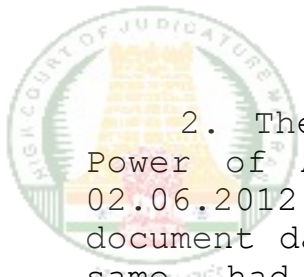
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to consider the petitioner's representation dated 28.9.2020 and directing the 3rd respondent not to allow the 4th respondent to register any document on the basis of the Power of Attorney vide in Document No.488/2012 dated 2.7.2012 and any other encumbrance.

For Petitioner : Mr.Shangar Murali

For RR 1 to 3 : Mr.R.Suresh Kumar,
Government Advocate

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the third respondent to consider the representation made by the petitioner on 28.09.2020, wherein the petitioner has filed an objection before the third respondent to the effect that the fourth respondent should not be permitted to register any document by using the Power of Attorney (PoA) executed in his favour on 02.07.2012. Since the same was not considered, the present Writ Petition has been filed before this Court.



2. The case of the petitioner is that he had executed the Power of Attorney (PoA) in favour of the fourth respondent on 02.06.2012. Subsequently, the same was cancelled by a registered document dated 10.06.2014. The fourth respondent, aggrieved by the same, had filed a suit in O.S.No.235/2015 before the District Munsif Court, Tiruchirappalli. The parties entered into a compromise and based on the compromise, a decree came to be passed on 05.12.2016.

3. The grievance of the petitioner is that the fourth respondent did not proceed further and the Power of Attorney (PoA) document had virtually become stale and therefore, the petitioner, left with no other option, executed a cancellation deed. The third respondent refused to entertain the document based on the earlier decree passed by the Civil Court.

4. The petitioner, therefore, filed a suit in O.S.No.933/2020 on the file of the Principal District Munsif Court, Tiruchurappalli. In the mean time, the fourth respondent was attempting to alienate the property by using the Power of Attorney (PoA) document. The petitioner, therefore, made a representation before the third respondent on 28.09.2020. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr.Shangar Murali, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Government Counsel for the respondents.

6. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the third respondent to consider the objections made by the petitioner on 28.09.2020, as and when any document is presented for registration by the fourth respondent based on the Power of Attorney (PoA) executed in his favour on 02.06.2012. both the parties shall be given an opportunity before taking a decision.

7. With this direction, the Writ Petition stands disposed of. No costs. Consequently, connected W.M.P.(MD) No.12431 of 2020 is closed.

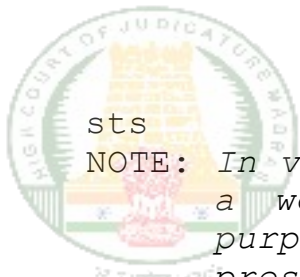
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To:

- 1) The Inspector General of Registration,
The Registration Department,
Head Office, Chennai.
- 2) The District Registrar,
District Registrar Office,
Tiruchirapalli,
Tiruchirapalli District.
- 3) The Sub-Registrar,
Sub-Registrar Office,
Woraiyur, Tiruchirapalli District.

+1 CC to M/s.K.S.SANKAR MURALI, Advocate (SR-21656[F] dated 08/07/2021)
+1 CC to M/s.SPL GP (SR-21706[F] dated 08/07/2021)

Order made in
W.P. (MD) No.14777 of 2020

Dated:
07.07.2021

CN(16.07.2021) 3P 6C