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W.P.No.29084 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.29084 of 2022

Sivabalan

...Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhom High Road,
Chennai – 600 002.

2.The Sub-Registrar,
Sub-Registrar Office,
Kurinjipadi, Cuddalore District.

3.Ganesan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent herein to consider the petitioner's representation dated 11.10.2022 and cancel the power of attorney dated 20.06.2019, vide Document No.1215 and register the sale deed in favour of prospective purchaser in respect of the property.

For Petitioner : Mr.B.Ramar

For Respondents : Mr.G.Krishna Raja for RR1 to 2
Additional Government Pleader



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ORDER

The petitioner has filed this petition to direct the the 2nd respondent herein to consider the petitioner's representation dated 11.10.2022 and cancel the power of attorney dated 20.06.2019, vide Document No.1215 and register the sale deed in favour of prospective purchaser in respect of the property.

2.The case of the petitioner is that the property situated at Cuddalore District, Kurinjipadi Taluk, Venkadampettai Village, in New Survey No.91/17 (Sub Division No.91/17B1) measuring an extent of 0.10.95 Ares (0.21 Cents), is an self acquired property by virtue of a Sale Deed registered as Doc.No.1636 of 2018 dated 25.09.2018. While so, due some personal reasons, the petitioner executed a General Power of Attorney registered as Doc.No.1215 of 2019 dated 20.06.2019, in favour of one Ganesan/ 3rd respondent to deal with the above mentioned property. However, the 3rd respondent did not act upon the Power of Attorney and thereafter, the petitioner and the 3rd respondent approached the 2nd respondent to cancel the



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above General Power of Attorney and register the Sale Deed in favour of the prospective purchaser in respect to the above said property, whereas, the 2nd respondent refused to cancel the same and register the Sale Deed. Hence, the petitioner made a representation dated 11.10.2022 to the respondents, however, the same was not considered and hence, the present Writ Petition is filed.

3.Learned counsel for the petitioners submits that the petitioner that this Court may issue a direction to the respondents to consider the petitioner's representation dated 11.10.2022 and pass orders on the same within a particular time frame fixed by this Court.

4.Mr.G.Krishna Raja, the learned Additional Government Pleader appearing for the respondents 1 and 3 submits that if any direction is given by this Court, the same will be complied with.

5.Considering the facts and circumstances of the case, the petitioner executed a Power of Attorney in favour of the 3rd respondent vide registered Doc.No.1215 dated 20.06.2019, in respect of the New Survey No.91/17 in



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Patta No.1021. However, in view of the grievance as against the power agent, the petitioner has to file a deed for cancellation of the said Power of Attorney before the respective Sub Registrar. Instead of filing a Cancellation Deed, making a representation to the respondents is not sustainable. Hence, the prayer sought for in this Writ Petition cannot be granted. However, liberty granted to the petitioner to execute a deed for cancellation of the Power of Attorney in the manner known to law

6.This Writ Petition is accordingly is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

03.11.2022

gba

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The Inspector General of Registration,
No.100, Santhom High Road,
Chennai – 600 002.

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2. The Sub-Registrar,
Sub-Registrar Office,
Kurinjipadi, Cuddalore District.

M.DHANDAPANI,J.

gba

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