



W.P(MD)No.14309 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 06.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14309 of 2022

Sakthivel

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai – 600 028.

2.The District Registrar,
District Court Campus,
Cantonment,
Trichy.

3.The Sub Registrar,
Marudhandankurichi,
Kulumani Road,
Worraiyyur,
Trichy District.

4.Arun

5.G.R.Ganapathy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent to consider the petitioner's representation sent on 18.06.2022 through speed post seeking cancellation of document registered on the file of the 3rd respondent



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vide document No.4628 of 2016 dated 13.07.2016 after affording opportunity to the parties interested and pass appropriate orders in accordance with law within a time stipulated by this Court.

For Petitioner : Mr.N.Anandakumar

For Respondents : Mr.J.K.Jeyaseelan,
Government Advocate for R1 to R3.

ORDER

Heard the learned counsel for the writ petitioner and the learned Government Advocate for the respondents 1 to 3.

2.The case of the petitioner is that he had appointed the fourth respondent as his power agent. The power of attorney stipulated certain conditions. It is alleged that the power agent without complying with those conditions had dealt with the properties covered by the power of attorney. In this regard, the petitioner has given a complaint before the second respondent. The petitioner wants the second respondent to enquire into the said complaint and pass order.

3.This relief cannot be granted in this writ petition. This is because even according to the petitioner, the power of attorney was not cancelled. Only if the fourth respondent had indulged in impersonation or produced fake documents, then the document executed by him can be enquired and finding can be given



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by the authority, if it is fraudulent. The case of the petitioner is that the power agent has not acted in terms of the power of attorney and therefore, the execution of the documents in question will have to be nullified. This is a relief which only the civil Court can grant. The registering authority cannot go into issues raised by the writ petitioner.

4. Leaving open all contentions of the writ petitioner, the writ petition is disposed of. The petitioner is definitely having a right to institute a civil suit. In the said civil suit not only the power agent but also the subsequent purchaser will have to be shown as defendants. No costs.

06.07.2022

Index : Yes / No
Internet : Yes/ No
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To:

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3.The Sub Registrar,
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