



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18505 of 2021

and

WMP(MD)Nos.15271 & 15272 of 2021

C.Pon Thiyagarajan

... Petitioner

v.

1.The Inspector General of Registration,
Chennai.

2.The Deputy Inspector General of
Registration,
Integrated Registrar Office,
Rajagambiram, Madurai.

3.The District Registrar,
Madurai District, Madurai.

4.The Sub Registrar,
Thirupparankundran Sub Registrar Office,
Madurai District.

5.Otchammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned unilateral cancellation of power of attorney deed in Document No.2529/2021 dated 19.07.2021 and quash the same as illegal and consequently direct the 4th respondent to remove the entries



pertaining to the above deed from the register within the period that may be stipulated by this Court.

For Petitioner : Mr.T.Palanisamy

For Respondents : Mr.J.K.Jayaseelan, Government Advocate
for R1 to R4

Mr.R.Rajaselvan for R5

ORDER

Heard the learned counsel on either side.

2.The petitioner challenges the unilateral cancellation of power of attorney by the fifth respondent. It is well settled that a power of attorney can very well be cancelled by the executant. The principal does not in normal circumstances require the consent of the power agent. But there can be cases where the power is coupled with interest and in such circumstances, the power of attorney can be irrevocable. Whether the case on hand would fall under the said category is a disputed question of fact. In writ proceedings, it cannot be adjudicated. The petitioner has to necessarily move the jurisdictional civil court for relief. If any such suit is filed by the petitioner, subject to the fulfilment of the usual procedure, the same shall be numbered immediately and if any I.A is filed, the same shall also be disposed as expeditiously as possible.



3. With this liberty to the petitioner and direction to the jurisdictional civil court, the writ petition is disposed of. No costs. Connected miscellaneous petitions are closed.

25.07.2022

Index : Yes / No,
Internet : Yes/ No
skm

issue today

To

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Integrated Registrar Office,
Rajagambiram, Madurai.
3. The District Registrar,
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4. The Sub Registrar,
Thirupparankundran Sub Registrar Office,
Madurai District.



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G.R.SWAMINATHAN, J.

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