



WEB COPY



W.P.No.12704 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.12704 of 2023
and WMP Nos.12493, 12494 and 12496 of 2023

R.Palanisamy

... Petitioner

Vs.

1. K.Singara Naicker
2. The Sub Registrar,
Neelankarai,
1st Floor, Kajena Garden,
2nd Street, East Coast Road,
Neelankarai, Chennai-600 041

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records culminating in the Deed of cancellation dated 02.03.2023 registered as Document No.2499 of 2023 cancelling the Power of Attorney dated 08.04.2013 bearing Document No.2510 of 2013 on the file of Sub Registrar Office, Neelankarai, Chennai-600 041 and reflected in the Encumbrance Certificate dated 15.04.2023 illegal and quash the same and direct the second respondent to conduct a detailed enquiry on the unilateral cancellation of the Power of Attorney dated 02.03.2023 registered as Document No.2499 of 2023.



WEB COPY



W.P.No.12704 of 2023

For Petitioner : Mr.Aravind Subramanian
Senior Counsel for
Mr.M.Ajithkumar

For 2nd Respondent: Mr.R.P.Murugan Raja
Government Advocate

ORDER

Though the Deed of Cancellation of Power of Attorney dated 02.03.2023, the first respondent herein, who had earlier appointed the petitioner as Power Agent through Power of Attorney dated 08.04.2013 bearing Document No.2510 of 2013, came to be registered by the second respondent as Document No.2499 of 2023, the said document is put under challenge in this writ petition.

2. There is no provision under the Registration Act which estops the registering authority to receive and register a Deed of Cancellation of Power of Attorney which has been presented by the Principal. In case, the petitioner is aggrieved against the registration of the Cancellation of Deed dated 02.03.2023, the appropriate remedy is to make an application under Section 77-A of the Registration Act. As such, interfering with the



W.P.No.12704 of 2023

registration, that has been legally done under the provisions of the Registration Act, would not be feasible.

3. At this juncture, the learned Senior Counsel for the petitioner submits that they have already given an objection on 06.03.2023 before the second respondent herein touching upon the registration of the cancellation Deed. Such an objection dated 06.03.2023 could be treated as one under Section 77-A of the Registration Act and the second respondent herein shall conduct an enquiry as per the procedure contemplated therein and pass orders within a period of twelve weeks from the date of receive of a copy of this order.

4. With the above observation, the writ petition stands disposed of.
No costs. Consequently, connected miscellaneous petitions are closed.

21.04.2023

Speaking order/Non-speaking order
Index: Yes/No
sr



WEB COPY



W.P.No.12704 of 2023

M.S.RAMESH,J.

SI

To

The Sub Registrar,
Neelankarai,
1st Floor, Kajena Garden,
2nd Street, East Coast Road,
Neelankarai, Chennai-600 041

W.P.No.12704 of 2023

21.04.2023