



WEB COPY

W.P.No.21



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20759 of 2023

S.Sailakshmi

... Petitioner

Vs.

1.The Sub-Registrar,
O/o. the Sub-Registrar Office,
Guduvancherry.

2.P.Rajavel

3.M.Meenakshi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Proceedings No.RFL/Gooduvancheri/9/2023 dated 17.04.2023 on the file of the 1st respondent and quash the same and consequently direct the 1st respondent to cancel the General Power of Attorney based upon the petitioner representation in TP/148190803/2023 dated 17.04.2023.

For Petitioner

: Mr.K.Selva Ganapathy

For R1

: Mr.T.Venkateshkumar,

Special Government Pleader

For R2 & R3

: Not ready in notice

ORDER

The Refusal Check Slip issued by the Sub-Registrar / 1st respondent in proceedings dated 17.04.2023 is under challenge in the present Writ Petition.



2. The petitioner states that she is the absolute owner of the subject property as described in the present Writ Petition. The petitioner executed a Power of Attorney in favour of the 2nd Respondent / Mr.P.Rajavel in Document No.6905/2021. Since the Power holder / 2nd Respondent abused the Deed of Power and executed 9 sale agreements without the knowledge of the writ petitioner. The sale agreement holders Thiru.Rajavel and Tmt.Meenakshi submitted an objection before the Sub-Registrar for not to register any document. The petitioner presented a Deed of Cancellation of Power of Attorney, which was refused based on the objection given by Thiru.Rajavel and Meenakshi

3. As far as the Deed of Power is concerned, the executant is entitled to cancel the deed at any point of time. Right to cancel the Power of Attorney cannot be denied to the executant. Admittedly, in the present case the writ petitioner had executed Power of Attorney in favour of the 2nd respondent and subsequently presented the document to cancel the said power of attorney and therefore, there is no impediment for the 1st respondent to register the same by following the procedures as contemplated under Registration Act.



4. Right to cancel the power of attorney cannot be denied in the absence of an order from the court or otherwise. In the present case, there is no such court order or otherwise produced before the Sub-Registrar.

5. In view of the facts and circumstances the impugned refusal check slip passed by the 1st respondent in his proceeding in No.RFL/Gooduvancheri/9/2023 dated 17.04.2023 is quashed and the 1st Respondent is directed to proceed with the representation of Deed of Cancellation of Power of Attorney presented by this writ petitioner by following the procedures as contemplated. The said exercise is directed to be completed within a period of four (4) weeks from the date of receipt of copy of this order.

6. Accordingly, the Writ petition stands allowed. No costs.

18.08.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

The Sub-Registrar,
O/o. the Sub-Registrar Office,
Guduvancherry.



WEB COPY

W.P.No.20



S.M.SUBRAMANIAM, J.

skr

W.P.No.20759 of 2023

18.08.2023