



WEB COPY



W.P. No. 20909 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

**W.P. No. 20909 of 2017
and
W.M.P. No. 21794 of 2017**

V.Mathivanan

... Petitioner

-VS-

1. Sub Registrar
O/o Sub Registrar
Kundrathur, Chennai.

2. M.Subash

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Declaration, declaring the cancellation deed dated 19.05.2016 registered as Doc. No. 6330/2017 on the file of the first respondent is illegal, null and void.

For Petitioner : Mr. D.J.Adinarayanan

For Respondents : Mr. D.Ravichander, SGP (R1)
No appearance (R2)



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ORDER

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The relief sought for in the present writ petition is to declare the cancellation deed dated 19.05.2016 registered as Doc. No. 6330/2017 on the file of the first respondent is illegal, null and void.

2. The declaration as such sought for in the present writ petition is absolutely misconceived. It is not in dispute that the 2nd respondent executed a Power of Attorney in favour of the writ petitioner. The allegation raised in the writ petition is that the said Power of Attorney executed in favour of the writ petitioner was cancelled by the 2nd respondent without his consent or permission.

3. A person executing the Power of Attorney, is entitled to cancel the document. Right conferred on the execution in this regard cannot be away and if at all there is any dispute between the parties, they are at liberty to approach the competent Civil Court of law. However, the Cancellation Deed executed by the 1st respondent is in consonance with the provisions of the Registration Act and there is no infirmity as such.



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4. Accordingly, the writ petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

04.07.2023

kak/skr

Index : Yes

To

Sub Registrar
O/o Sub Registrar
Kundrathur, Chennai.



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S.M.SUBRAMANIAM, J.

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