



W.P.(MD) No.12539 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.(MD) No.12539 of 2021

and

W.M.P.(MD) Nos.9813 and 9814 of 2021

Mohamed Sathathulla

.. Petitioner

Vs.

1.The District Registrar,
Registration Department,
Trichy.

2.The Sub-Registrar,
Registration Department,
Woraiyur, Trichy.

3.B.Fatima Begam

4.M.Gandhi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records of the 2nd respondent pertaining to the impugned revocation deed dated 26.12.2019 registered as Document No.1118 of 2020 on the file of 2nd respondent and to quash the same and consequently direct the 2nd



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respondent to remove the entry of revocation deed in Document No. 1118 of 2020 dated 26.12.2019 from their records.

For Petitioner : Ms.M.Rajeswari
For RR1 & 2 : Mr.A.K.Manikkam
Special Government Pleader
For RR3 & 4 : No appearance

ORDER

This writ petition has been filed questioning the revocation deed dated 26.12.2019, which was registered as Document No.1118 of 2020 on the file of the 2nd respondent and to further direct the 2nd respondent to remove the entry made in the encumbrance certificate pertaining to the revocation deed.

2. Heard Ms.M.Rajeswari, learned counsel for the petitioner and Mr.A.K.Manikkam, learned Special Government Pleader appearing for the respondents 1 and 2.

3. The case of the petitioner is that the 3rd respondent had executed a registered Power of Attorney document dated 04.08.2015 in favour of



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the petitioner and the same was registered on the file of the 2nd respondent as Document No.4810/2015. The further case of the petitioner is that the 3rd respondent has also received a sum of Rs. 1,00,000/- on the date of the execution of the Power of Attorney document as consideration. Thereafter, the 3rd respondent has received a further sum of Rs.8,00,000/-. Hence, according to the petitioner, this Power of Attorney document is coupled with interest, since the consideration has been paid by the petitioner to the 3rd respondent.

4. The further case of the petitioner is that he had entered into a sale agreement with the 4th respondent on 04.01.2016 based on the Power of Attorney document and this agreement was also registered on the file of the 2nd respondent as Document No.15/2016. In view of the same, the petitioner has taken a further stand that he has already acted upon the Power of Attorney document and hence, the same cannot be revoked without putting the petitioner on notice as mandated under Section 204 of the Indian Contract Act, 1872.



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5. The grievance of the petitioner is that he received a lawyer's notice dated 14.06.2019, which was issued on behalf of the 3rd respondent to the effect that the Power of Attorney document that was executed in favour of the petitioner was revoked. The petitioner came to know that the Power of Attorney document was revoked through the revocation deed dated 26.12.2019. Aggrieved by the same, the petitioner has sought for the cancellation of the revocation deed on the ground that the Power of Attorney, which was coupled with interest, was unilaterally cancelled without putting the petitioner on notice.

6. This Court carefully went through the Power of Attorney document dated 04.08.2015. There is no indication in this document that the power is coupled with interest. In fact, there are recitals to show that the petitioner has to submit the accounts regularly to the Principal viz., the 3rd respondent. That by itself shows that the petitioner was only acting as the agent of the 3rd respondent and in view of the same, the petitioner was bound to submit the accounts for the money that was received by him while dealing with the property.



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7. On carefully going through the pleadings and on hearing the submissions of the learned counsel for the petitioner, it is seen that in reality, the petitioner seems to have paid substantial sums of money to the 3rd respondent and the petitioner was always under the impression that it is a Power of Attorney coupled with interest and that is the reason why the petitioner had also entered into an agreement of sale with the 4th respondent. This issue, that has been raised by the petitioner, cannot be gone into either by this Court or by any of the authorities under the Registration Act.

8. The petitioner is raising a ground, which is not found in the document and hence, it requires letting in evidence and appreciation of evidence. The petitioner has already filed a suit in O.S.No.142 of 2021 before the District Munsif Court, Trichirapalli seeking for the relief of declaration to declare the cancellation of Power of Attorney document dated 26.12.2019 as null and void and *non est* and for permanent injunction. This suit is pending before the competent Court. In view of



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the same, it will be more appropriate to relegate the petitioner to agitate the dispute before the competent civil Court, where the suit is pending.

9. In the light of the above discussion, the relief as sought for by the petitioner cannot be granted by this Court and it is left open to the petitioner to raise all the grounds before the competent civil Court, where the suit is pending in O.S.No.142 of 2021. The civil Court shall deal with the issue on its own merits and in accordance with law and the order passed in this writ petition will not have any bearing on the civil Court while applying its mind independently.

10. This Writ Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

21.12.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

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To

1.The District Registrar,
Registration Department,
Trichy.

2.The Sub-Registrar,
Registration Department,
Woraiyur, Trichy.



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N. ANAND VENKATESH, J.

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