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W.P.(MD)NO.13572 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13572 of 2015 AND

M.P.(MD)Nos.1 & 2 of 2015

Bharathi

... Petitioner

Vs.

1. The District Registrar,
O/o.District Registrar,
Pattukkottai, Thanjavur District.

2. The Joint Sub-Registrar-I,
Joint Sub-Registrar Office,
Pattukkottai,
Thanjavur District.

3. Kalpana

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the impugned unilateral cancellation of Deed of Power of Attorney dated 01.04.2015 in Document No. 474 / 2015 registered with the 2nd respondent and to quash the same.

For Petitioner : Mr.S.Deendhayalan

For R-1 & R-2 : Mr.S.Shanmugavel,
Additional Government Pleader.

For R-3 : No appearance.

* * *



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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 and 2.

2. The only question that calls for consideration is whether the registration of unilateral cancellation of deed is valid. It is true that the Hon'ble Full Bench of Madras High Court in more than one case had held that the unilateral cancellation of the sale deed or gift deed is bad in law. But in this case, the document concerned is a power of attorney. Of course certain deeds of power of attorney are irrevocable. Such deeds of power of attorney will have to be registered by remitting proper stamp duty. In this case, receipt of consideration by the third respondent was not shown originally. In the deed of power of attorney dated 22.04.2013, the executant had specifically stated that she had not received any consideration from the petitioner. Such a deed of power of attorney is very much a revocable document. The petitioner's counsel draws my attention to the receipt issued by the third



respondent in favour of the petitioner. The said receipt is dated 25.04.2013. According to the petitioner, the relationship between the parties was coupled with interest under Section 202 of the Indian Contract Act 1872, the petitioner's agency cannot be terminated. The petitioner's only remedy is to go before the jurisdictional civil Court. Granting liberty to the petitioner, this writ petition stands dismissed. The time taken in prosecuting this writ petition stands excluded. No costs. Consequently, connected miscellaneous petitions are closed.

11.09.2023

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

To:

1. The District Registrar,
O/o.District Registrar,
Pattukkottai, Thanjavur District.
2. The Joint Sub-Registrar-I,
Joint Sub-Registrar Office,
Pattukkottai,
Thanjavur District.



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G.R.SWAMINATHAN,J.

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