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WP.No.1376 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.1376 of 2022
and W.M.P.No.1496 of 2022

Selvarani

.. Petitioner

Versus

1.The Deputy Inspector General of Registration
Cuddalore Division, Cuddalore

2.The District Registrar
Vridhachalam District
Cuddalore Road, Vridhachalam

3.The Sub-Registrar
Pennadam, Thittakudi Taluk

4.Sindhu

5.Natarajan

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Deputy Inspector General of Registration, Cuddalore District, the 1st respondent herein passed on 22.11.2021 in Na.Ka.No. 3099/U/2021 confirming the order of the District Registrar Vridhachalam District in Na.Ka.No. 1663/A1/2021 dated 2.9.2021 quash the same and consequently direct the 3rd respondent to cancel the power of attorney executed by the 4th respondent on 25/6/2021 and registered by the 3rd respondent as Doc. No.

<https://www.mhc.tn.gov.in> 164/2021 in Book 1.



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For Petitioner : M/s.R.Meenal
For Respondent : Mr.B.Vijay for R1 to R3
Additional Government Pleader
Mr.P.Sesubalan Raja for R4 & R5

ORDER

By consent of both parties, this writ petition is taken up for disposal.

2. Challenging the order of the first respondent dated 22.11.2021 in confirming the order of the second respondent dated 02.09.2021, quash the same and direct the 3rd respondent to cancel the power of attorney executed by the 4th respondent on 25/6/2021 and registered by the 3rd respondent as Doc. No. 1164/2021 in Book 1.

3. It is the case of the writ petitioner that suit properties was bequeathed to the petitioner by her son Arivukkarasan by way of will on 30.03.2019 and the petitioner has filed a suit in O.S.No.35 of 2020 before the Principal Sub Court, Vridhachalam. Further, Arivukkarasan's wife had executed a General Power of Attorney in favour of her father Natarajan in respect of 2/3rd share. Therefore, seeks to cancel the Power of Attorney.

4. Heard both sides and perused the entire materials placed on record.



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5. At the outset, this Court is of the view that whether the petitioner has acquired the right by way of will has to be established in the civil court.

Merely, because a power of attorney is executed, the same will not be a bar to the petitioner in establishing her right before the civil court in a pending suit in O.S.No.35 of 2020 before the Principal Sub Court, Vridhachalam.

6. With the above, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16.04.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

1.The Deputy Inspector General of Registration
Cuddalore Division, Cuddalore

2.The District Registrar
Vridhachalam District
Cuddalore Road, Vridhachalam

3.The Sub-Registrar
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N. SATHISH KUMAR, J.

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