



WP.No.11900 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **29.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.11900 of 2024

Haroon Rasheed

.. Petitioner

Versus

1. The Sub Registrar,
O/o.the Sub Registrar,
Kamarajar Salai Range, Puducherry – 605 013.

2. Shakila

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider the petitioner representation dated 23.02.2024 and entertain the petitioner's deed for cancellation of Power of Attorney without the presence of the Power Agent ie., the second respondent and without insistence of NOC from the second respondent.

For Petitioner : Mr.K.Thenrajan

For Respondents : Mrs.V.Usha
Additional Government Pleader [Pondy] – R1



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ORDER

WEB COPY With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to direct the first respondent to consider the petitioner representation dated 23.02.2024 and entertain the petitioner's deed for cancellation of Power of Attorney without the presence of the Power Agent ie., the second respondent and without insistence of NOC from the second respondent.

3. Heard learned counsel for the petitioner and the learned Additional Government Pleader [Pondy] appearing for the first respondent and perused the materials available on record.

4. It is the case of the petitioner that he has executed a Power of Attorney in the year 2022 appointing her mother as a Power Agent. When he presented the document to cancel the power, it was insisted that no objection should be obtained the Power Agent. Hence, the present Writ Petition.



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5. The learned Additional Government Pleader appearing for the first respondent submitted that since there was an agreement between the parties to not to cancel the agreement, such an Order has been passed.

6. It is to be noted that unless the power is coupled with interest and the same has been registered after payment of necessary stamp duty, it can be insisted that no objection has to be obtained from the power agent. Otherwise, the principal has a right to cancel the power at any time. In such view of the matter, there shall be a direction to the first respondent to register the cancellation of power of attorney without the presence of power agent, i.e., the second respondent and without insisting NOC from the second respondent, within a period of one week from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

29.07.2024

vrc

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,
The Sub Registrar,
O/o.the Sub Registrar,
Kamarajar Salai Range, Puducherry – 605 013.

<https://www.mhc.tn.gov.in/judis>



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N. SATHISH KUMAR, J.

VRC

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