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WP.No.13825 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **06.06.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.13825 of 2024

Nirmala Devi

.. Petitioner

Versus

1. The Inspector General of Registration,
Santhome High Road, Chennai – 600 028.

2. The District Registrar,
Chennai North, Kuralagam, Chennai.

3. The Sub-Registrar,
Ambattur Sub – Registrar Office, Ambattur Chennai – 600 053.

4. M/s.Sunrise Buildon,
Rep. by its Proprietor Mr.S.Sendilkkumar,
having office at C-19, Suriyagandhi Street,
Vivekananda Nagar, Thirumullaivoyal,
Chennai – 600 062

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd Respondent to release the registered power of Attorney Cancellation Deed bearing Pending Document No.159 of 2024 dated 10.04.2024 in favour of the petitioner in



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respect of her property bearing Plot No.C-1 part (Southern Portion of the Plot No.C1) in the Ambattur Oragadam Co- Operative Building Society Colony Vivekananda Nagar approved layout plan L.P.H.No.16/65 comprised in Part of the Survey Nos.452 PT 454/1B and 454/3 as per Extract from the Town Survey Land Register Old Survey No.452/ PT New Survey No.5 part (T.S. No.5 part) in Block No.91 Ward - D of Thirumullaivoyal Village Avadi Taluk Tiruvallur District In All admeasuring 2662 Sq.ft. of land in accordance with law.

For Petitioner : Mr.K.Chozhan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader – R1 to R3

ORDER

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 third respondent to release the registered power of Attorney Cancellation Deed bearing Pending Document No.159 of 2024 dated 10.04.2024 in favour of the petitioner in accordance with law.



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3. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

4. The case of the writ petitioner is that the petitioner had registered a Power of Attorney on 15.09.2021. Thereafter she had also cancelled the Power of Attorney by way of a cancellation deed and the same was registered on 10.04.2024. Though the cancellation deed was registered, the document has not been returned to the petitioner since mortgage is already there in respect of the property. Hence, the present Writ Petition.

5. At the outset, this Court is of the view that once the principal has executed a Power of Attorney in favour of the fourth respondent, she had every right to cancel the Power of Attorney Deed. Admittedly, the cancellation deed has also been registered. But the same has not been returned to the petitioner. The registering authorities cannot keep the registered document pending. It is not for the registration authorities to seek clarification. The principal can cancel the power at any point of time. Therefore, the act done by the principal



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pursuant to the execution of the Power of Attorney is not a matter for consideration by the registering authorities. In such view of the matter, the second respondent is directed to release the document dated 10.04.2024 to the petitioner within a period of two weeks from the date of receipt of a copy of this Order.

6. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.06.2024

vrc

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

1. The Inspector General of Registration,
Santhome High Road, Chennai – 600 028.
2. The District Registrar,
Chennai North, Kuralagam, Chennai.
3. The Sub-Registrar,
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N. SATHISH KUMAR, J.

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