



WEB COPY



WP.No.21599 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.21599 of 2024

1.Mano Krishna
2.Malarvizhi

.. Petitioners

Versus

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

2.The Sub Registrar Office
No.36,Bhatathmatha Salai
Selaiyur, Chennai – 600 073

3.The District Registrar Office, Chennai South
No.9, Jeenis Road, Saidapet
Chennai – 600 015

4.Boobalan
5.Umamageshwari

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to cancel the Power of Attorney Doc.No.1119 of 2008 dated 18.03.2008 and the subsequent sale deed Doc.No.1657/2013 dated 15.02.2013 registration within a time frame as fixed and make the deeds null and void.

For Petitioner : Mr.Mano Krishna

For Respondents : Mr.M.Shahjahan for R1 to R3
Special Government Pleader



WP.No.21599 of 2024

ORDER

This writ petition is filed directing the respondents 1 to 3 to cancel the Power of Attorney Doc.No.1119 of 2008 dated 18.03.2008 and the subsequent sale deed Doc.No.1657/2013 dated 15.02.2013.

2. Since no adverse order is passed against the private respondents, notice to them is dispensed with.

3. Heard both sides and perused the materials placed on record. By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

4. It is the contention of the petitioner that the power of attorney is executed only in a loan transaction. Further, taking advantage of the same, sale deed has been executed. The petitioner on attaining the majority, now wants to cancel the document. Therefore, seeks a direction to the registering authorities to cancel those documents.

5. At the outset, this Court is of the view that the very prayer in the writ petition is nothing but abuse of process of law. When a person has already executed a document and challenging such document on the ground that



WP.No.21599 of 2024

misappropriation or fraud, the same ought to have been done within a period of three years by filing a suit. That apart, even assuming that the person was a minor at the relevant point of time, the document can be avoided within a period of three years on attaining the majority. Such is the position of law, by filing just representation, the petitioner cannot seek cancellation of the document.

6. Accordingly, this writ petition stands dismissed. No costs.

02.08.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

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

2.The Sub Registrar Office
No.36,Bhatathmatha Salai
Selaiyur, Chennai – 600 073

3.The District Registrar Office, Chennai South
No.9, Jeenis Road, Saidapet
Chennai – 600 015

N. SATHISH KUMAR, J.



WEB COPY



WP.No.21599 of 2024

dhk

W.P.No.21599 of 2024

02.08.2024
(1/2)