



WEB COPY

W.P. No.795 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.795 of 2024

Sampath Kumar

... Petitioner

Vs.

1. The Inspector General of Registration
IG Office
100, Santhome High Road
Mullimanagar
Mandavelipakkam,
Raja Annamalaipuram, Chennai-28

2. The Sub Registrar
Sub Registrar Office,
Annur, Coimbatore.

3. Marappan

4. Ponnusamy

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the respondent-2 in RFL/Annur/97/2023 dated 08.08.2023 and quash the same and to direct the respondents to register the Cancellation of Power of Attorney dated 08.08.2023 within time as stipulated by this Court.



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For Petitioner : Mr.M.Saravanakumar

For R1 and R2 : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

This Writ Petition is filed seeking a Writ of Certiorarified Mandamus to call for the records of the respondent-2 in RFL/Annur/97/2023 dated 08.08.2023 and quash the same and to direct the respondents to register the Cancellation of Power of Attorney dated 08.08.2023 within time as stipulated by this Court.

2. The case of the petitioner is that the petitioner is the owner of the property in SF No.254 of Kattampatty Village, Annur Taluk, Coimbatore District. The petitioner had given power of attorney in favour of the 4th respondent herein. While so, the 4th respondent in collusion with the 3rd respondent has executed a sale agreement for fake consideration to defeat his rights upon the said property. Further, the 3rd respondent has filed a suit in O.S.No.1170 of 2022 for specific performance against the 4th respondent on the file of the IVth Additional District Court, Coimbatore. On coming to know about the same, the petitioner filed a impleading application in I.A.



No.6 of 2023 before the said Court to implead him as a 2nd defendant and he also filed an application in I.A. No.4 of 2023 to cancel the power of attorney and the same is pending. The 4th respondent was already set ex-parte in the said suit on 16.12.2022 and that the 4th respondent had not taken any steps to defend the suit against the 3rd respondent before the suit. Therefore, the petitioner presented the cancellation of power of attorney against the 4th respondent whereas, the 2nd respondent rejected the same by refusal check slip dated 08.08.2023 on the ground of temporary injunction is granted in I.A.No.2 of 2022 in O.S.No.1170 of 2022 by the IVth Additional District Court, Coimbatore. Against which, the petitioner has filed the present writ petition.

3. Mr.R.U.Dinesh Rajkumar, learned Additional Government pleader takes notice for the respondents 1 and 2. Since no adverse order is to be passed against the respondents 3 and 4, notice to the respondents 3 and 4 is dispensed with.

4. A perusal of the refusal check shows that since the IVth Additional District Court, Coimbatore, has granted stay/injunction in respect of the



subject property in I.A.No.2 of 2022 in O.S.No.1170 of 2022, the 2nd respondent has refused to register the document and this Court does not find any perversity or illegality or infirmity in the refusal check slip passed by the 2nd respondent. However, the petitioner is at liberty to work out his remedy before the Civil Court in the pending suit in the manner known to law.

5. Accordingly, this Writ Petition is dismissed at the admission stage itself. There shall be no order as to costs.

12.01.2024

ksa-2

Index : Yes / No

Neutral Citation Case : Yes/No



To

1. The Inspector General of Registration

IG Office

100, Santhome High Road

Mullimanagar

Mandavelipakkam,

Raja Annamalaipuram, Chennai-28

2. The Sub Registrar

Sub Registrar Office,

Annur, Coimbatore.



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P.VELMURUGAN. J.

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