



W.P(MD)No.7446 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7446 of 2024

1.A.Abdul Aleem

2.E.Yasmeen

... Petitioners

Vs.

The Sub Registrar,
Office of the Sub Registrar,
Melur West,
Melur Taluk,
Madurai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the respondent herein dated 17.05.2023 in RFL/Melur (West)/1/2023 to quash the same and to consequently direct the respondent to register the cancellation of power of attorney deed dated 17.05.2023 presented by the petitioners.



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For Petitioners : Mr.D.Sivaraman
For Respondent : Mr.D.S.Nedunchezlian
Government Advocate

ORDER

Heard both sides.

2.The first petitioner herein executed power of attorney dated 15.10.2015 in respect of the petition mentioned property in favour of the second petitioner herein. The first petitioner now wants to cancel the same. The cancellation deed was presented for registration. The respondent citing the instructions from the Enforcement Director that any instruments relating to Mohammed Ibrahim Sait should not be registered, the cancellation deed was refused registration. The refusal check slip is put to challenge in this writ petition.

3.As rightly pointed out by the learned counsel appearing for the petitioners, the reasons set out in the impugned order are not sustainable. The first petitioner wants to cancel the power of attorney executed in



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favour of the second petitioner. This will not amount to conveyance or transfer of property. Only then, Section 22-B of the Registration Act, 1908 could have been invoked.

4. Neither the first petitioner nor the second petitioner trace their right, title or interest from the said Mohammed Ibrahim Sait. Therefore, the present transaction is outside the ambit of the instruction said to have been issued by the Enforcement Director. Looked at from any angle, the impugned refusal check slip cannot be sustained. It is set aside. The petitioners are permitted to re-present the cancellation deed for cancelling the power of attorney. It shall be received, registered and released subject to the fulfilment of the other usual formalities.

5. This writ petition is allowed accordingly. There shall be no order as to costs.

26.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

MGA

To

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