



W.P (MD).No.128720 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.12820 of 2022

and

W.M.P(MD)Nos.9096 of 2022,16926 and 16927 of 2024

1.K.Seenivasan

2.K.Chandrasekar

3.K.Sakunthala,

4.S.Ramakrishnammal

...Petitioners

(Petitioners 2 to 4 are impleaded as per order of this Court made in W.M.P(MD)No.16927 of 2024 in W.P(MD)No.12820 of 2022, dated 18.12.2024)

Vs.

1.The District Registrar(Administration),
Registration Department,
Office of the District Registrar,
Collectorate Campus,
Dindigul.

2.The Joint Sub-Registrar No.I,
Registration Department,
Collectorate Campus,
Dindigul.

3.K.Kannan

4.K.Dinesh



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5.K.Vignesh

... Respondents

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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the registration of the impugned cancellation of General Power of Attorney, dated 9.4.2019 bearing Document No.1012/2019 executed unilaterally by the third respondent on the file of the second respondent and to quash the same as illegal and delete the entry on his file.

For Petitioners : Mr.Issac Mohanlal
Senior Counsel
for Mr.R.R.Kannan

For Respondents : Mr.S.P.Maharajan
1 and 2 Spl. Government Pleader

For Respondents : No appearance
3 to 5

ORDER

This writ petition has been filed challenging the registration of the Cancellation of General Power of Attorney, dated 9.4.2019 vide document No. 1012/2019.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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3.The third respondent has purchased a house plot bearing NO.9 in T.S.No.560-A/1A situated at Chettinaickanpatti Village Ward No.II, Dindigul Town by registered sale deed, dated 30.5.1995 vide Registration NO.814/1995. The third respondent is none other than the Petitioner's brother. Apart from that, the Petitioner's other brothers had also purchased the adjacent three house plots .Thereafter, the Petitioner's brothers and sister executed a power of attorney in favour of the Petitioner in order to develop those plots, dated 7.2.2011.Accordingly, the Petitioner had developed the subject property namely, four housing plots by construction of multi storied apartments with 15 tenaments. While being so, the third respondent had cancelled the General Power of attorney unilaterally by cancellation deed, dated 9.4.2019 vide document No.1012 of 2019. In respect of his share, namely 1/4th share of the entire property, now it is under challenge in this Writ Petition. In fact, the Petitioner had already filed a suit in O.S.No.31 of 2021, on the file of the District Munsif Court, Dindigul for annulling the cancellation of General Power of Attorney and the cancellation of General Power of attorney executed by the third respondent is pending as of now. Further, the power of attorney was cancelled unilaterally. Therefore, if the power of attorney is coupled with any interest, then the disputed question of facts would arise and it has to be dealt with by let in evidence only before the civil Court. At the same time, this



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Writ Petition has been filed challenging the registration of Cancellation of General Power of Attorney. Under Article 227 of the Constitution of India, cancellation of General Power of Attorney cannot be challenged and the Writ Petition is not maintainable.

4.In view of the above, this Writ Petition is dismissed. There shall be no order as to costs.However, the trial Court namely, the District Munsif Court,Dindigul is directed to dispose of the suit in O.S.No.31 of 2021 within a period of six months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous petitions are closed.

18.12.2024

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order

vsn

To

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2.The Joint Sub-Registrar No.I,
Registration Department,



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G.K.ILANTHIRAIYAN, J.

vsn

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