



W.P.(MD)No.25458 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.11.2024**

CORAM:

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

W.P.(MD)No.25458 of 2024

Meeran Mohideen

... Petitioner

/Vs./

1.The District Registrar,
Tirunelveli,
Tirunelveli District.

2.The Sub Registrar,
Melapalayam Sub Registrar Office,
Melapalayam,
Tirunelveli District.

3.K.Kumaramurugan

4.P.Murugan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal check slip dated 01.10.2024 in RFL/ Melapalayam/ 137/ 2024 of the 2nd respondent and quash the same as illegal and consequently directing the 2nd respondent to register the



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cancellation of power deed dated 01.10.2024 of the petitioner in respect of the property in S.No.600 and now RS.No.600/3 to an extent of 1987.80 Sq.meter situated in Kulavanigar Puram Village, Palayamkottai Taluk, Tirunelveli District.

For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mr.M.Sarangan (R1 & R2)

Additional Government Pleader

Mr.G.Aravinthan (R3 & R4)

ORDER

This writ petition has been filed challenging the refusal check slip dated 01.10.2024 issued by the 2nd respondent, thereby refused to register the cancellation of power of attorney document dated 01.10.2024.

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

3. The petitioner is the owner of the property comprised in S.No. 600 and now RS.No.600/3 to an extent of 1987.80 Sq.meter situated in



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Kulavanigar Puram Village, Palayamkottai Taluk, Tirunelveli District.

Subsequently, the petitioner has also executed power of attorney in favour of the respondents 3 and 4 herein on 22.08.2022. There is a dispute between the petitioner and the respondents 3 and 4 and as such, the petitioner had executed cancellation of the power of attorney document and presented the same for registration on 01.10.2024 before the second respondent. However, the second respondent refused to register the same on the ground that the power of attorney executed in favour of the respondents 3 and 4, which was sought to be cancelled, coupled with interest.

4. The learned counsel appearing for the respondents 3 and 4 submitted that while execution of power of attorney, the total sale consideration was fixed at Rs.1,35,08,000/- and paid a sum of Rs.1,04,00,000/- as substantial sale consideration in favour of the petitioner. Therefore, the power of attorney executed in favour of the respondents 3 and 4 is coupled with interest in respect of the subject property. Now, the petitioner presented cancellation of the power of attorney document before the second respondent. Hence, the respondents



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3 and 4 filed a suit seeking for specific performance and obtained an order of interim injunction, thereby restraining the petitioner from alienating the subject property.

5. Though the respondents 3 and 4 obtained an order of interim injunction restraining the petitioner from alienating the subject property, it is nothing to do with the cancellation of the power of attorney document. That apart, the second respondent has no role to find out as to whether the power of attorney document executed in favour of the respondents 3 and 4 is coupled with interest or not. He is the registering authority and he has to see other aspects as contemplated under the Registration Act while registering the document. Though the cancellation of the power of attorney document was worsen the case of the petitioner, there is no impediment for registering cancellation of the power of attorney document by the second respondent.

6. In view of the above, the impugned refusal check slip is liable to be quashed and accordingly, the impugned refusal check slip dated 01.10.2024 is hereby quashed. The petitioner is directed to re-present the



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cancellation of the power of attorney document before the second respondent and on receipt of the same, the second respondent shall register and release the same forthwith.

7. With the above direction, the Writ Petition stands allowed.

There shall be no order as to costs.

07.11.2024

Index : Yes / No
NCC : Yes / No
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TO:-

- 1.The District Registrar,
Tirunelveli,
Tirunelveli District.
- 2.The Sub Registrar,
Melapalayam Sub Registrar Office,
Melapalayam,
Tirunelveli District.



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G.K.ILANTHIRAIYAN, J.

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Order made in
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Dated:
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