



W.P.(MD)No.24883 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.24883 of 2023

N.Srinivasan

... Petitioner

Vs

1.The Sub-Registrar,
Sub-Registration Office,
Kodaikanal,
Dindigul District.

2.The Manager,
Bank of Baroda,
E.C.Street, Chennai.

... Respondents

*(R-2 is suo motu impleaded vide Court Order dated 26.11.2023
in W.P.(MD).No.24883 of 2023)*

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned refusal check slip in RSL/Kodaikkanal/34/2023 dated 25.03.2023 by the respondent and quash the same and directing the Respondent to register the General Power of Attorney executed by the petitioner in favour of one Ramgopal Rajagopalan S/o. Rajagopalan dated 24.03.2023.



W.P.(MD)No.24883 of 2023

For Petitioner : Mr.K.K.Kannan
For R-1 : Mr.S.Shanmugavel
Additional Government Pleader
For R-2 : Mr.P.Pethu Rajesh

ORDER

Heard both sides.

2. The petitioner is a guarantor. The bank/2nd respondent herein had filed recovery suit against the borrower and the petitioner. An attachment order has been obtained. What the petitioner wants is only the registration of the petition mentioned Power of Attorney. It is well settled that by executing the Power of Attorney, there is no transfer of interest in any property.

3. I am satisfied with the counsel's contention that the execution and the registration of the Power of Attorney will not constitute breach of the interim order passed by the DRT. In this view of the matter, the refusal cheque slip is quashed. The petitioner is permitted to re-present the Power of Attorney. It will be registered by the first respondent subject to the fulfilment of the other usual



WEB COPY



W.P.(MD)No.24883 of 2023

4. In view of the above, this Writ Petition is allowed. No costs.

28.03.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

1.The Sub-Registrar,
Sub-Registration Office,
Kodaikanal,
Dindigul District.

2.The Manager,
Bank of Baroda,
E.C.Street, Chennai.



WEB COPY



W.P.(MD)No.24883 of 2023

G.R.SWAMINATHAN, J.

Nsr

W.P.(MD)No.24883 of 2023

28.03.2024