



W.P.(MD)No.29584 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **09.12.2024**

CORAM:

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

W.P.(MD)No.29584 of 2024

Nagalingam

... Petitioner

-Vs-

1.The Inspector General of Registration,
Cathedral Road, Santhome,
Chennai.

2.The District Registrar,
District Registrar Office,
Pudukkottai, Pudukkottai District.

3.The Joint Sub Registrar-I,
Pudukkottai, Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal order dated 16.09.2024 issued by the 3rd respondent and quash the same as illegal and without jurisdiction and further, to direct the 3rd respondent to register the document of cancellation of general power of attorney presented by the petitioner in respect of Survey No.369/50 to an extent of 0.02.0 ares of Pudukkottai South Village, Pudukkottai Taluk and Pudukkottai District and return the same in accordance with law.



W.P.(MD)No.29584 of 2024

For Petitioner : Mr.S.Bharathiraja

For Respondents : Mr.D.Sadiq Raja,

Additional Government Pleader

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.Challenge has been made to the refusal check slip issued by the 3rd respondent dated 16.09.2024, where refusal has been made to register the revocation of power of attorney deed executed by the petitioner dated 16.09.2024 on the ground that the power holder made objection.

3.The petitioner owned the property comprised in S.No.369/50 to an extent of 0.02.0 ares of Pudukkottai South Village, Pudukkottai Taluk and Pudukkottai District. In order to deal with the subject property, he executed power of attorney deed in favour of one Sridhar and registered the same vide Document No.311 of 2022. However, the power holder failed to manage the subject property. As such, the petitioner decided to cancel the power of attorney deed. Accordingly, he executed revocation of power of attorney deed and presented the same for registration on 16.09.2024 before the 3rd respondent.



W.P.(MD)No.29584 of 2024

However, the 3rd respondent refused to register the same on the ground that the power holder made objection on 11.09.2024.

4.The principal at any point of time executes revocation of power of attorney. Section 207 of the Indian Contract Act, 1872 says that revocation and renunciation may be expressed or may be implied in the conduct of the principal or agent respectively.

5.It is relevant to extract Rule 55 of the Registration Rules hereunder:-

“55. It forms no part of a registering officer’s duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document; but he is bound to consider objections raised on any of the grounds stated below:-

(a) that the parties appearing or about to appear before him are not the persons they profess to be;

(b) that the document is forged;

(c) that the person appearing as a representative, assign or agent, has not right to appear in that capacity;

(d) that the executing party is not really dead, as alleged by the party



W.P.(MD)No.29584 of 2024

WEB COPY

applying for registration; or

(e) that the executing party is a minor or an idiot or a lunatic.”

6.In such view of the matter, the registering authority has no power to conduct any enquiry on the objection raised by the power holder, when the principal presented the revocation of power of attorney deed for registration. Therefore, the impugned refusal check slip issued by the 3rd respondent is liable to be set aside, accordingly, it is set aside. The petitioner is directed to re-present the revocation of power of attorney deed for registration before the 3rd respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the 3rd respondent is directed to register and release the same forthwith.

7.With the above direction, this Writ Petition is allowed. No costs.

09.12.2024

Index : Yes / No

NCC : Yes / No

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W.P.(MD)No.29584 of 2024

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W.P.(MD)No.29584 of 2024

G.K.ILANTHIRAIYAN, J.

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W.P.(MD)No.29584 of 2024

09.12.2024