



W.P.(MD)No.29722 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.12.2024**

CORAM:

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

W.P.(MD)No.29722 of 2024

P.Dharman @ Dharmalingam

... Petitioner

/Vs./

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai-600 028.

2.Sub-Registrar,
O/o.The Sub Registrar,
Vilathikulam, Thoothukudi,

3.Sivalingam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records relating to the rejection of the refusal check slip bearing No.RF/VILATHIKULAM/259/2024 dated 02.12.2024 passed by the second respondent herein and quash the same as illegal and consequently direct the second respondent herein to register the deed of cancellation of power of attorney cancelling the power of attorney registered as Doc.No. 2102/2013 executed in favour of the third respondent herein, relating to



W.P.(MD)No.29722 of 2024

the properties described therein, in accordance with the provisions of the Registration Act.

For Petitioner : Mr.V.Shathurthi Raja

For R1 & R2 : Mr.D.Sadiq Raja

Additional Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the second respondent, dated 02.12.2024 thereby, refused to register the rectification of power deed presented by the petitioner.

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

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

4. The properties measuring to an extent of 27 cents in Survey No. 209-3, to an extent of 3.17 cents in Natham Survey No.243/2 Re-survey No.326/6 and to an extent of 213/1B2C situated at Vembar Village,



W.P.(MD)No.29722 of 2024

WEB COPY

Vilathikulam Taluk, Thoothukudi District originally belonged to the petitioner's sister namely Rathnavathi. The said Rathnavathi has executed a settlement deed in favour of the petitioner with regard to the above said properties on 12.06.2013 vide Doc.No.1988/2013. Since he is residing at Chennai and he was not in a position to deal with the property, as such, he executed a power of attorney in favour of the third respondent on 20.06.2013 vide registered doc.No.2102/2013 in order to deal with the property. However, later, the petitioner found that the third respondent had executed the sale agreement in favour of his brother with regard to the petitioner's property. Therefore, the petitioner presented the deed on 02.12.2024 for cancellation of power of attorney executed by the petitioner in favour of the third respondent on 20.06.2013, however, the second respondent refused to register the same on the ground that the third respondent made an objection.

5. 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.



W.P.(MD)No.29722 of 2024

WEB COPY

6.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 applying for registration; or

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



W.P.(MD)No.29722 of 2024

WEB COPY

7. 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 second 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 second respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to register and release the same forthwith.

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

10.12.2024

Index : Yes / No
Internet : Yes/No
NCC : Yes / No
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W.P.(MD)No.29722 of 2024

WEB COPY

To

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai-600 028.

2.Sub-Registrar,
O/o.The Sub Registrar,
Vilathikulam, Thoothukudi,



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W.P.(MD)No.29722 of 2024

G.K.ILANTHIRAIYAN, J.

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Order made in
W.P.(MD)No.29722 of 2024

Dated:
10.12.2024