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WP No. 7347 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 7347 of 2025

1. Zaheer Hussain
S/o Abdul Rahman No.6 Kulathu Pathai
Street Sangarapuram Kallakurichi
District

Petitioner(s)

Vs

1. The Additional Registrar General
Cuddalore District

2. The District Registrar
Kallakurichi District Registered Office
Kallakurichi District

3. The Sub Registrar
Vadaponparappi Sub Registrar Office
Kallakurichi District

4. DOSSKHAN
S/o Kasimkhan No.1/155 Pallivasal
Street Vadakeeranoor Village
Sankarapuram Taluk Kallakurichi
District



5.RAHMAN

S/o Zaheer Hussian Kulathupathai

Street Sangarapuram Town Kallakurichi

District

6.NOORULLA

S/o Syed Rasool No.128/16 Dharga

Santhu Gopall Street Tiruvannamalai

District

Respondent(s)

PRAYER

Writ petition has been filed under Article 226 of Constitution of India for issuance of writ of Mandamus directing the respondents 1 to 3 to cancel the General Power in vide document No.1848 /2023 dated 19.06.2023 of the file of 3rd respondent and pursuant the petitioner representation dated 16.12.2024.

For Petitioner(s): T.Balachandran

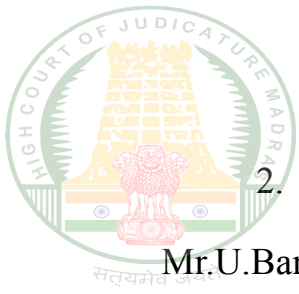
For Respondents: U.Baranidharan

Special Government Pleader

R1 to R3

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents 1 to 3 to act upon the representation made by the petitioner on 16.12.2024 wherein the petitioner is seeking for cancellation of the general power of attorney document dated 19.06.2023 executed by the 4th respondent in favour of the 6th respondent.



2. Heard Mr.T.Balachandran, learned counsel for the petitioner and Mr.U.Baranidharan, learned Special government Pleader for respondents 1 to 3.

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3. The petitioner is an agreement holder based on the sale agreement dated 09.10.2012. The grievance of the petitioner is that the 4th respondent without executing the sale deed in his favour has executed a power of attorney in favour of the 6th respondent and this power of attorney document dated 16.03.2023 came to be registered before the 3rd respondent as document No.1848 of 2023. The petitioner made a representation seeking for the cancellation of this document. Since the same was not considered, the present writ petition has been filed before this Court.

4. In the considered view of this Court, the petitioner is an agreement holder and hence, the petitioner should necessarily work out his remedy by filing a suit for specific performance. Admittedly, the 4th respondent is the owner of the property and nothing will stand in the way of the owner of the property from dealing with the property. Therefore, in the absence of any restraint order passed by a competent Court, the 4th respondent cannot be prevented from executing any document in favour of any third party since he is the owner of the property. Apart from that, the registering authority do not have the power to cancel any document since Section 77A of the Registration Act has been held to be unconstitutional by the Division Bench of this Court in *M.*

Kathirvel Vs. The Inspector General of Registration Department of



Registration and Others] reported in ***2024 4 CTC 769.***

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5. In the light of the above discussion, the relief as sought for by the petitioner cannot be granted. It is left open to the petitioner to work out his remedy in the manner known to law before the competent Civil Court.

6. This writ petition is disposed of in the above terms. No costs.

05-03-2025

rka

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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N.ANAND VENKATESH J.
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