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W.P.Nos.6186 and 6187 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

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THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.Nos.6186 and 6187 of 2025

W.P.No.6186 of 2025

A.Fakrudeen

... Petitioner

Vs.

1. The Sub-Registrar,
Joint III, Salem North,
Salem District.

2. Rahil Sultan Begum

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, calling for the records pertaining to the Refusal Check Slip in Refusal Number: RFL/3 Joint Sub-Registrar, Salem West/91/2024 dated 19.12.2024 and to quash the same as illegal, incompetent and ultravires and consequently direct the first respondent to register the sale deed dated 19.12.2024 executed by me and pass such further or other orders as this Hon'ble Court may deem fit and proper.

W.P.No.6187 of 2025

A.Fakrudeen

... Petitioner



Vs.

1. The Sub-Registrar,
Joint III, Salem North,
Salem District.

2. Rahil Sultan Begum

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the first respondent to cancel the deed of cancellation of power registered in Doc.No.3080/2024 dated 12.11.2024 in the office of the first respondent by restoring the petitioner's Power of Attorney dated 16.08.2024 registered in Doc.No.2224/2024 and pass such further or other orders as this Hon'ble Court may deem fit and proper.

In Both Writ Petitions

For Petitioner	: M/s.Radhika Boopathi
For R1	: Mr.U.Baranidharan, Special Government Pleader

COMMON ORDER

The issue involved in both these writ petitions are common and hence they are taken up together, heard and disposed of through this common order.

2. W.P.No.6186 of 2025 has been filed challenging the refusal check slip issued by the first respondent dated 19.12.2024 and for a consequential



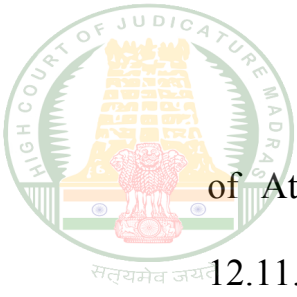
direction to the first respondent to register the sale deed dated 19.12.2024 that was presented for registration by the petitioner in his capacity as the Power Agent.

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3. W.P.No.6187 of 2025 has been filed for a direction to the first respondent to cancel the deed of cancellation of the Power of Attorney document dated 12.11.2024 and to restore the original Power of Attorney dated 16.08.2024 that was executed in favour of the petitioner.

4. Heard M/s.Radhika Boopathi, learned counsel for the petitioner and Mr.U.Baranidharan, learned Special Government Pleader appearing for the first respondent.

5. The main grievance that was expressed by the petitioner is that a Power of Attorney was executed in his name dated 16.08.2024 and according to the petitioner, this Power of Attorney is coupled with interest. By acting upon this Power of Attorney, the petitioner had infact settled the dues payable by the Principal and a sale agreement was also executed by the petitioner acting upon the Power of Attorney dated 16.08.2024. This Power

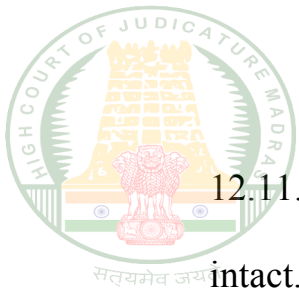


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of Attorney came to be cancelled through a Cancellation Deed dated 12.11.2024. This cancellation had taken place without issuing notice to the petitioner and therefore, the petitioner has questioned the Cancellation Deed in one writ petition and in the other writ petition, the petitioner has questioned the refusal check slip that was issued by the first respondent, refusing to register the sale deed that was presented for registration.

6. In the considered view of this court, there is no requirement for both parties to be present at the time of the cancellation of the Power of Attorney document. It will suffice if a notice is given to the agent and thereafter the Power of Attorney document is cancelled. The only exception is in cases where the power is coupled with interest. On a careful reading of the Power of Attorney dated 16.08.2024, this court finds that the power is not coupled with interest. There seems to be a personal understanding between the petitioner and the Principal and that cannot be a ground to assume that the Power of Attorney dated 16.08.2024 is an agency coupled with interest.

7. As on today, the cancellation of the power through Document dated



12.11.2024 and which was registered as Document No.3080 of 2024 is

intact. Therefore, the petitioner has lost the capacity as an agent and

consequently, the petitioner cannot execute any document. That apart, the

registering authority does not have the power to cancel any document as

sought for by the petitioner, since Section 77-A of the Registration Act has

already been held to be unconstitutional by this court in the judgment in

“M.Kathirvel -vs- Inspector General of Registration Department of

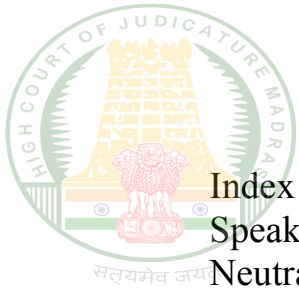
Registration and others” reported in (2024) 4 CTC 769.

8. In the light of the above discussion, the only option that is left to the petitioner is to proceed further to seek for the relief of *specific performance* based on the sale agreement executed in favour of the petitioner. If the petitioner is aggrieved by the cancellation of the Power of Attorney document, it will also be left open to the petitioner to question the Cancellation Deed before the competent civil court. Except giving this clarity and liberty, no further orders can be passed in these writ petitions.

9. These writ petitions are disposed of in the above terms. No costs.

25.02.2025

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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To

The Sub-Registrar, Joint III,
Salem North, Salem District.



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N. ANAND VENKATESH, J.

skr

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