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W.P.No.37056 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.09.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.37056 of 2025

Thangavelu

...Petitioner

Vs.

The Sub-Registrar

Annur, Coimbatore District.

...Respondent

Prayer

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for records of the respondent by proceedings in RFL/Annur/Book2/9 dated 17.07.2025 and to quash the same and consequently, to direct the respondent to register the Power of Attorney Cancellation Deed dated 10.07.2025.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondent : Mr.Abishek Murthy
Government Advocate

Order

Heard Mr.P.Saravana Sowmiyan learned counsel appearing for the petitioner and Mr.Abishek Murthy, learned Government Advocate, who



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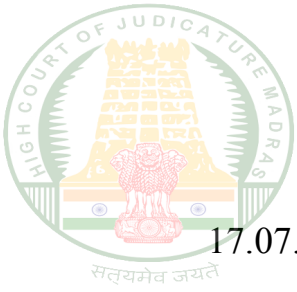
takes notice on behalf of the respondent.

With consent, the main Writ

Petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition is filed seeking to quash the proceedings issued by the respondent dated 17.07.2025 and consequently, to direct the respondent to register the Power of Attorney Cancellation Deed dated 10.07.2025.

3. Learned counsel for the petitioner would submit that the petitioner along with others executed a Power of Attorney dated 03.07.2006, whereby, one R.Arunachalam was appointed as Power Agent to deal with the property for the purpose mentioned in the said Deed; that the said Power Agent by misusing the said power, has executed a sale deed in favour of his wife behind the back of the petitioner and others and the dispute regarding the sale is pending between the parties; that the petitioner, apprehending that the said Power Agent may commit further fraud by misusing the said Power of Attorney, sought for cancellation of the said Power of Attorney dated 03.07.2006, however, the respondent vide the proceedings dated



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17.07.2025 refused to accept the cancellation deed on the ground that the Power of Attorney was already acted upon and the sale deed was also executed.

3.1 The learned counsel for the petitioner would submit that when the petitioner has sought for cancellation of the Power of Attorney executed in favour of R.Arunachalam, the respondent, Sub Registrar, is duty bound to execute the Cancellation Deed presented by the petitioner, irrespective of whether the entire transaction mentioned in the said Power of Attorney was performed or not, since, it is for the Principal to decide as to whether the transaction mentioned in the said Power of Attorney has to be performed or not, however, the respondent refused to register the same, which is liable to be set aside.

4. Learned Government Advocate for the respondent fairly admitted that it is upto the petitioner, who, being the Principal of the Power of Attorney, to seek for cancellation of the said power granted in favour of one R.Arunachalam.



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WEB COPY 5. As rightly pointed out by the learned counsel for the petitioner, when the Power Agent appointed by the petitioner vide the Power of Attorney dated 03.07.2006 has misused the power and executed a sale deed in favour of his wife, which is behind the back of the petitioner, and is not cooperating for performance of the terms mentioned in the Power of Attorney, certainly, the petitioner herein, being the Principal of the said Power of Attorney is entitled to cancel the Power of Attorney. Thus, it is purely petitioner's prerogative to cancel the Power executed in favour of the said R.Arunachalam, as, the said Power Agent appears to have misused the said power and there is every possibility of misusing the power by the said Arunachalam.

6. Thus, when the petitioner with an intention to avoid any further complication that may arise by the said Arunachalam has rightly approached the respondent, seeking to register the cancellation deed, respondent, Sub-Registrar, is duty bound to register the same, instead of stepping into the shoes of the petitioner and ask as to whether the entire transaction



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mentioned in the Power of Attorney was acted upon or not. In such view of the matter, this Court is inclined to set aside the impugned order.

6. Accordingly, this Court pass the following order:-

- i) The proceedings of the respondent dated 17.07.2025 is set aside.
- ii) Consequently, the respondent is directed to register the Power of Attorney Cancellation Deed dated 10.07.2025 presented by the petitioner forthwith.

7. In the result, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

25.09.2025

sd

Index : yes/no
Neutral Citation : yes/no

To
The Sub-Registrar
Annur, Coimbatore District.

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Krishnan Ramasamy,J.,

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