



W.P.(MD)No.3415 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.3415 of 2025

S.Meera Mytheen

...Petitioner

vs.

1.The District Registrar,
District Registrar Office,
Sivgangai.

2.The Sub-Registrar Office,
Sub Registrar Office,
Paramakudi,
Ramanathapuram District.

3.B.Mathumathi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the second respondent from entertaining any document presented by the third respondent to transact further based on Document No.3461 of 2021 based on the petitioner's representation dated 16.07.2024.

For Petitioner : Mr.S.Manojkumar

For Respondents : Mr.P.T.Thiraviyam,
Government Advocate for R1 & R2



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ORDER

By the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. Mr.S.Manojkumar, learned Government Advocate takes notice for the respondents 1 and 2. Since no adverse order is going to be passed against the third respondent, notice to the third respondent is dispensed with.

3. The petitioner alleges that he is the creditor and the third respondent is the debtor. He claims to have paid a sum of Rs.30 lakhs as a hand loan and as a security therefor, he claims to have received the original title deeds of a property. The petitioner adds that he was benefited with a registered Power of Attorney in Document No.4737 of 2022. He pleads that, in order to defraud him, the third respondent has been taking steps to cancel the Power of Attorney. He sent a representation to the Sub Registrar at Paramakudi to record his objections and also not to register any document for cancellation. As it was not considered, he has come up with this writ petition.



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4. I have heard Mr.S.Manojkumar, for the petitioner and Mr.P.T.Thiraviyam, learned Government Advocate appearing for the respondents 1 and 2.

5. A perusal of the Power of Attorney in Document No.4737 of 2022 shows that it is a general Power of Attorney. The document does not say that it is one coupled with interest. The said document is capable of cancellation in terms of Indian Contract Act. The petitioner being an Agent, cannot prevent the principal from cancelling the power.

6. If the petitioner has a claim against the third respondent, the appropriate remedy would be before the Civil Court to seek recovery of the sums given as a loan and for attachment of the properties belonging to the third respondent. Instead of adopting the normal route, the petitioner seems to have devised another route. A Mandamus cannot be used as a tool to extract money from a debtor.

7. Mr.P.T.Thiraviyam, points out that the general Power of Attorney was cancelled in Document No.9/2024 on the file of the Sub



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Registrar at Paramakudi. Even on that score, by issuing a Mandamus, no benefit will accrue to the writ petitioner as the document has already been cancelled.

8. It is for the petitioner to workout his rights before the Civil Court. With the above observations the Writ petition is dismissed. No costs.

06.02.2025

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order

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To

1.The District Registrar,
District Registrar Office,
Sivgangai.

2.The Sub-Registrar Office,
Sub Registrar Office,
Paramakudi,
Ramanathapuram District.



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V.LAKSHMINARAYANAN, J.

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