

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.4091 2018

and

WMP.No.5015 of 2018

Srimathi Dr.A.Shoba

Wife of Dr.C.Sivaprakasam

... Petitioner

versus

1. The Inspector General of Registration
No.100, Santhome High Road,
Pattinampakkam, Chennai.

2. The Sub-Registrar (District Registrar Cadre)
Adyar, Chennai.

3. The Tahsildar
Guindy Taluk, Chennai.

4. S.Alagammai

5. J.Latha

6. R.Pandian

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to take necessary and legal action against the respondents 4 to 6 involved in the fabrication of public document and registering the General Power of Attorney dated 27.10.2017 vide Doc.No.2818/17 in respect of properties comprised in Old.S.No.49, Town Survey Nos.64, 65, 66 and 67, Block No.17 at Kottur Village, Ellamman Kovil Street, Chennai within the time limit.

For Petitioner : Mr.G.K.Muthukummar

For Respondenta : Mr.D.Suriyanarayanan
Additional Government Pleader
for R1 to R3

O R D E R

The petitioner seeks for a mandamus directing the respondents 1 to 3 to take necessary and legal action against the respondents 4 to 6, who according to the petitioner, have indulged in fabricating the public documents and registering a General Power of Attorney dated 27.10.2017 in respect of the properties comprised in Old.S.No.49, Town Survey Nos.64, 65, 66 and 67, Block No.17 at Kottur Village, Ellamman Kovil Street, Chennai.

2. Heard Mr.G.K.Muthukummar, learned counsel for the petitioner.

3. It is the case of the petitioner that she is an agreement holder, in respect of the subject matter property in pursuant to an agreement of sale dated 12.03.2014 entered with the respondents 4 & 5. Now, the grievance of the petitioner is that the respondents 4 & 5 contra to and in suppression of the said agreement executed in favour of the petitioner, have executed a Power of Attorney in favour of the sixth respondent, based on certain fabricated Revenue records namely, Patta. Therefore, the petitioner made a complaint before the respondents 1 to 3 on 05.02.2018, to take action against the respondents 4 to 6. When such complaint has not been considered, the petitioner has chosen to file the present writ petition before this Court with the relief as stated supra.

4. Admittedly, the petitioner is only an agreement holder, who intended to purchase the subject matter property from one M/s.Balaji Motors in which the respondents 4 and 5 are partners. Therefore, if she has any claim against those respondents in respect of the subject matter property, her remedy lies elsewhere, by filing an appropriate Civil Suit, based on the said agreement of sale said to have been executed by the the said Balaji Motors. In the meantime, if the respondents 4 & 5 are indulging in any action, which according to the petitioner would cause prejudice to her interest, she has to seek appropriate remedy against those private respondents, by only filing an appropriate civil proceedings before the competent forum of law and not to seek the relief as sought for in this writ petition. Assuming that the respondents 4 & 5 have fabricated some documents and executed the Power of Attorney in favour of the sixth respondent, as contended by the petitioner, yet, the petitioner is not remedy less, as she can always

approach the Civil Court and seek remedy against all these private respondents. Without doing so, the petitioner is not justified in making a representation to the official respondents and consequently, filing the present writ petition. Needless to say that the petitioner has to establish her right before the competent Civil Court in respect of the subject matter property, as she is admittedly, only an agreement holder. The petitioner can not convert this forum under Article 226 of the Constitution of India to a Civil forum to hear and decide a pure civil claim and dispute between the private parties. Hence, I find no merits to entertain this writ petition. Accordingly, this writ petition is disposed of, however, by granting liberty to the petitioner to work out her remedy before the competent Civil Court against the private respondents, if she has a cause of action existing and alive. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Inspector General of Registration
No.100, Santhome High Road,
Pattinampakkam, Chennai.
- 2.The Sub-Registrar (District Registrar Cadre)
Adyar, Chennai.
- 3.The Tahsildar
Guindy Taluk, Chennai.

+lcc to Mr.T.Panchatsaram, Advocate, S.R.No.14007

TM(CO)
RRK(26/02/2018)

W.P.No.4091 of 2018