

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 18.07.2019  
CORAM  
THE HON'BLE DR.JUSTICE VINEET KOTHARI  
AND  
THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN  
W.A.No.2054 of 2019 and C.M.P.No.13784 of 2019

1.Jitesh Kumar

2.N.Dhanraj Kochar

... Appellants/Petitioner

-Vs-

1. The Sub Registrar  
Ambattur (District Registrar Cadre)  
Ambattur - 600 053.
2. The District Registrar (Administration)  
Chennai Central, Bharathi Salai  
Chennai - 600 011.
3. R.Paneerselvam

.... Respondents/Respondents

For Appellants : Mr.R.Parthasarathy for  
M/s.Palaniandavan R.  
G.Rajkumar and G.Prabha

For Respondents: Mr.T.M.Pappiah, Special  
Govt.Pleader - for RR 1 & 2

Prayer :Writ Appeal under Clause 15 of the Letters Patent,  
against the order passed by this Honourable Court in  
W.P.No.4315 of 2016 dated 19.03.2019.

WP.NO.4315/2016:

Petition praying to issue a Writ of Certiorari Calling  
for the records of the 1st Respondent in her proceedings  
bearing No.189/2015 dated 21.07.2015 quash the same and  
consequently direct the 1st Respondent to include in the  
registration records of the 1st Respondent the order of this  
Honourable Court in the above Writ Petition so quashing the  
said order of the 1st Respondent bearing No. 189/2015 dated  
21.07.2015

## J U D G M E N T

(Judgment of the Court was delivered by DR.VINEET KOTHARI, J.)

This writ appeal is directed against the order dated 19.03.2019 passed by the learned Single Judge, dismissing the writ petition of the petitioner / appellant, holding that the question of fraud or forgery involved in the execution of the disputed document viz., the Power of Attorney can be determined only by a Civil Court in properly instituted Civil Suit and the said question cannot be decided under the extraordinary jurisdiction under Article 226 of the Constitution of India.

2. Learned counsel for the appellant urged before us that the Sub Registrar (District Registrar Cadre), Ambattur in Case No.189 of 2015, vide his order dated 21.07.2015, had no jurisdiction to decide the question of validity of the Power of Attorney, as he does not have the power of any Civil Court and therefore, the challenge laid to the said order was required to be decided in the writ petition filed by the petitioner.

3. Having heard the learned counsel for the appellant and upon perusal of the order passed by the learned Single Judge, we do not find that this argument has even been raised before the learned Single Judge. Therefore, in the absence of the said contention, which goes to the core of the matter, having not been raised by the petitioner before the learned Single Judge, we give liberty to the petitioner / appellant to file a Review Petition before the learned Single Judge and raise the argument before the learned Single Judge in the first instance. It is only after the issue is decided by the learned Single Judge that the intra court appeal remedy can be availed by the parties.

4. With these observations, the writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

KST

To

1. The Sub Registrar  
Ambattur (District Registrar Cadre)  
Ambattur - 600 053.
2. The District Registrar (Administration)  
Chennai Central, Bharathi Salai  
Chennai - 600 011.

+1cc to M/s.Palaniandavan R., Advocate sr.62516

+1cc to Government Pleader sr.62373

W.A.No.2054 of 2019

mp(co)  
nr 04/09/2019



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