



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.23475 of 2018

B.Sankara Narayanan

...Petitioner

-Vs-

- 1 The Inspector General of Registration,
State of Tamil Nadu, Santhome
Chennai 4
- 2 The District Collector
Thiruvallur District Thiruvallur
- 3 The Tahsildhar
Ambattur Taluk Thiruvallur District
- 4 The District Registrar
District Registrar Office Ambattur
Thiruvallur District
- 5 The Sub Registrar
Sub Registrar Office Ambattur Thiruvallur
District
- 6 The Sub Registrar
Sub Registrar Office Saidapet Chennai
- 7 Krishnamurthy Raj
S/o.Subburaj Plot No. AH 197 3rd Street
Shanthi Colony Anna Nagar Chennai 40.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 4th and 5th respondent not to register any sale deed sale agreement any other document in respect of Land in Survey Nos. 282/1A, 1B, 2A, 2B, 507, 509, 510, 513, 514, 515 289/2A, 503/A, 504, 285 and 284 at Aththipattu Village Ambattur Taluk Thiruvallur District if such document is executed by the said Krishnamurthy Raj by considering petitioner representation dated 3.9.2018.

For Petitioner :Ms.R.Divya for Mr.K.Balu

For Respondents :Ms.Akila Rajendran, Government Counsel
for RR 1 to 6



O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the 4th and 5th respondent not to register any sale deed, sale agreement any other document in respect of Land in Survey Nos. 282/1A, 1B, 2A, 2B, 507, 509, 510, 513, 514, 515 289/2A, 503/A, 504, 285 and 284 at Aththipattu Village Ambattur Taluk Thiruvallur District if such document is executed by the said Krishnamurthy Raj by considering petitioner's representation dated 3.9.2018.

2. Heard Mr.K.Balu, learned counsel appearing for the petitioner. In respect of the land at Survey numbers referred to above at Aththipattu Village Ambattur Taluk Thiruvallur District, the claim of the petitioner is that, the petitioner has been nominated as power holder along with one Vivekanandan by four persons viz., Kuppuraj, Senguttuvan, Vijaya and Kanagavalli.

3. Only on the strength of the said power of attorney executed in favour of the petitioner and another, the petitioner claims right of exploiting the property in question to any third parties.

4. In this context it is the case of the petitioner that, the seventh respondent, in order to cheat the petitioner, is trying to exploit the property in question and therefore, if any encumbrance is being made or if the private respondents or any other third party creates any encumbrance on the property in question, the same shall not be entertained by the registering authorities. Therefore, in order to restrain the registering authorities ie., the fourth and fifth respondents herein from registering any sale deed, sale agreement or any other document in respect of the property in question, the aforesaid prayer has been sought for.

5. When a specific question was posed to the petitioner's counsel, as to what right the petitioner is having to the property in question, she submitted that, by power of attorney dated 29.10.2015, four persons have executed a power in favour of the petitioner and another person. However, all the persons who have executed the power in favour of the petitioner do not have any title to the property in question and in order to cheat the petitioner, after receiving a considerable amount, they executed the power. Therefore, the petitioner's valuable right has been lost and in order to recover the money, he wanted to have clutch over the property in question that no third party shall exploit the property without the concurrence of the



petitioner and therefore only in that line, in order to restrain the registering authorities ie., the fourth and fifth respondents, the aforesaid prayer has been sought for, she contended.

WEB COPY

6. This Court is afraid, as such kind of prayer is sought for by the litigants. Admittedly, the petitioner is one of the power of attorney holder as per the power dated 29.10.2015 executed by four persons. However, the four persons have not been made party to this writ petition. The reason being, according to the learned counsel for the petitioner, the four persons were not the owners of the property in question. However, in the pretext of the owners of the property, they received money from the petitioner. In lieu of the same, they executed the power and therefore, by virtue of the said power executed by the four persons, the petitioner has been cheated. Therefore, in order to recover his money, it seems that the petitioner has approached this Court by filing the present writ petition.

7. If at all the petitioner is cheated by any third parties, the remedy open to the petitioner is elsewhere. Either the petitioner can approach the Civil Court for recovery of money or if he has been cheated, for such punitive action, the petitioner can set the criminal law in motion by approaching the law enforcing agency. However, without resorting to the said moves, the petitioner has simply come before this Court praying for a writ of Mandamus to restrain the fourth and fifth respondents, who are statutory authorities to register the document pertaining to the immovable property within their jurisdiction. That kind of restraint order, that too, on the basis of allegations on the part of the petitioner, cannot be granted by this Court. Moreover, of late it has become a menace that many number of cases of this nature are coming before this Court as well as Trial Courts on the ground that, persons who paid some money or have parted with their money either to the land owner or any agent or any third party, gets power of attorney in their favour and by utilising such power, they would in turn exploit the property to various third parties. Therefore, only for the economic advancement or business motive, such kind of powers are being executed between the parties and here is one such case. Unfortunately, the petitioner seems to have been cheated by the four persons, who have executed the power in favour of the petitioner and another. Therefore, this kind of litigations cannot be resolved by exercising the extraordinary jurisdiction vested in this Court under Article 226 of the Constitution of India.



8. Therefore, such kind of prayer cannot be entertained and hence this Court has no hesitation to reject this prayer. Accordingly, this writ petition fails and it is dismissed. No costs.

s/d-
Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

KST
To

- 1 The Inspector General of Registration,
State of Tamil Nadu, Santhome
Chennai 4
- 2 The District Collector
Thiruvallur District Thiruvallur
- 3 The Tahsildhar
Ambattur Taluk Thiruvallur District
- 4 The District Registrar
District Registrar Office Ambattur
Thiruvallur District
- 5 The Sub Registrar
Sub Registrar Office Ambattur
Thiruvallur District
- 6 The Sub Registrar
Sub Registrar Office Saidapet
Chennai

+1 CC to The Government Pleader sr 29000.

W.P.No.23475 of 2018

PMK(CO)
SP(23/07/2021)