



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P. (MD)No.17726 of 2018

and

W.M.P. (MD)Nos.15613 of 2018, 14390 of 2019 and 11671 of 2020

S.Dharmaraj

: Petitioner

Vs.

1. The Inspector of General of Registration,
Inspector General of Registration Office,
No.100, Santhome High Road, Chennai.
2. The District Registrar,
Registrar Office, Karaikudi, Sivagangai District.
3. The Joint Sub-Registrar,
Sub Registrar Office No.II,
Karaikudi, Sivagangai District.

4.Umayal

5.Abirami

6.Chittu @ Chittal

7.Vr.Somasundaram

: Respondents

(R7 impleaded vide order of this Court, dated 01.03.2021 in W.M.P. (MD)No.11670 of 2020)

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Declaration, to declare the extinguishment deed, dated 14.02.2017 in document No.354/2017 as null and void and consequently, to direct the third respondent to remove the entry made as document No.354/2017 in Book No.11 on the file of the third respondent Sub Registrar, Karaikudi, Sivagangai District, in accordance with law.

For Petitioner

:Mr.J.John

For R1 to R3

:Mr.K.Sathiyasingh

Additional Government Pleader

For R4 to R6

:Mr.R.Anand

For R7

:Mr.J.Thomas Rajadurai

ORDER

The petitioner has come up with this Writ Petition being aggrieved of the action cancelling the power of attorney granted in his favour.

<https://hcservices.ecourts.gov.in/hcservices/>



2. According to the petitioner, the General Power of Attorney deed, dated 03.05.2016 issued in his favour was coupled with interest, as huge sale consideration has been received under the document. In the above circumstances, the petitioner is before this Court seeking to declare the extinguishment deed submitted by the respondents 4 and 5, dated 14.02.2017 as illegal and void.

3. This Court is not inclined to entertain this Writ Petition for the simple reason that whether the power of attorney deed has been coupled with interest or not is entirely a matter to be decided by letting in evidence by the parties concerned before a Civil forum. In a dispute like this, the *lis* cannot be settled by this Court in exercise of its jurisdiction under Article 226 of Constitution of India. The competing claims of the parties cannot be a subject matter of adjudication before this Court, as the same would involve investigation of factual controversies.

4. In the above circumstances, the proper course for the petitioner is to approach the Civil Court and have his grievances redressed therein and not before this Court. In fact, the affidavit contains number of details, as to the amounts being transferred under the disputed documents, which statements have to be tested before the Civil Court on the basis of oral and material evidence and such statements cannot be tested on the basis of mere averments in the affidavit.

5. For the aforesaid reasons, the Writ Petition stands dismissed as not maintainable. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

1. The Inspector of General of Registration,
Inspector General of Registration Office,
No.100, Santhome High Road, Chennai.
2. The District Registrar,
Registrar Office, Karaikudi, Sivagangai District.



3. The Joint Sub-Registrar,
Sub Registrar Office No.II,
Karaikudi, Sivagangai District.

+1 CC to Mr.J.THOMAS RAJA DURAI, Advocate (SR-10498[F] dated
11/03/2021)

+1 CC to Mr.J.JOHN, Advocate (SR-10656[F] dated 12/03/2021)

+1 CC to M/s.SPL GP (SR-10936[F] dated 12/03/2021)

W.P. (MD) No. 17726 of 2018
11.03.2021

VB (30.03.2021) 3P 7C