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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6625 of 2022
W.M.P.No.6709 of 2022

K.Durai

...Petitioner

Vs.

1.The District Registrar,
South Chennai Sidco Electronic Complex,
3rd Block, 3rd floor,
Thiru VI Ka Estate,
Guindy, Chennai - 600 032.

2.The Sub Registrar,
Virugambakkam Registrar Office,
Chennai.

3.S.Dhanasekaran
4.Mohammed Saleem
5.Shahu Bhanik Saleem
6.T.Dayabaran
7.N.Murugesan
8.Meenalosani

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorari to call for the records of the first respondent herein dated 27.08.2021 in Na.Ka.No.2309/E2/2020 and quash the same.

For petitioner	: Mr.V.Manisekaran
For Respondents	: Mr.Yogesh Kannadasan Special Government Pleader

ORDER

The petitioner has filed this petition to issue a Writ of Certiorari to call for the records of the first respondent herein dated 27.08.2021 in Na.Ka.No.2309/E2/2020 and quash the same.



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2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the first and second respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since, no adverse order is being passed against the respondents 3 to 8, notice to the respondents 3 to 8 is dispensed with.

4. The case of the petitioner is that the third respondent had purchased the property Plot No.108, comprised in Survey No.301/6, measuring 2400 sq.ft, situated at Sri Krishna Nagar, 16th Street, Maduravoyal Village, Ambattur Taluk, Thiruvallur District by way of registered sale deed dated 19.02.1990, bearing document no.677 of 1990, on the file of Sub Registrar, Virugambakkam. Thereafter, the third respondent sold the property to fourth and fifth respondents through his power agent R.M.Narayanan by way of registered Sale Deed dated 29.04.1999 bearing document No.1758 of 1999 on the file of Sub Registrar, Virugambakkam. Thereafter, the fourth and fifth respondents sold the property to sixth respondent by a registered Sale Deed dated 06.02.2003, bearing document no.712 of 2003 on the file of Sub Registrar, Virugambakkam. Thereafter, the sixth respondent had executed power of attorney in favour of the petitioner and the petitioner sold the said property to seventh and eight respondents by a registered sale deed dated 15.02.2006, bearing document no.716 of 2006 on the file of Sub Registrar, Virugambakkam. Thereafter, the third respondent had made a complaint to the Law Enforcement Agency as well as to the first respondent. After, conducting enquiry, the first respondent passed orders cancelling the sale deed executed by the petitioner in favour of the seventh and eight respondents. Challenging the same, the present Writ Petition has been filed by the petitioners for the above relief.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that admittedly, the third respondent executed sale deed in favour of the fourth and fifth respondents. Thereafter, fourth and fifth respondents executed sale deed in favour of sixth respondent. Thereafter, sixth respondent appointed petitioner as power agent, after obtaining power from the sixth respondent, petitioner executed sale deed in favour of seventh and eight respondents. Hence, cancelling the sale deed executed by the petitioner is not sustainable.



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6. The learned Special Government Pleader appearing for the respondents submits that issue arise in the present case is purely a Civil dispute, instead of approaching a competent Civil Court, filing the present writ petition is not sustainable. Accordingly, he prays for dismissal of the present writ petition.

7. Considering the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the case, is of the view that as against the order passed by the first respondent, there is an effective remedy available before the Inspector General of Registration/Appellate Authority. The petitioner, instead of approaching the Appellate Authority, directly approached this Court. Hence, the prayer sought for in the present writ petition cannot be granted. However, liberty is granted to the petitioner to file an application before the Appellate Authority in the manner known to law.

8. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

tri/nhs

To

1.The District Registrar,
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3rd Block, 3rd floor,
Thiru VI Ka Estate,
Guindy, Chennai - 600 032.

2.The Sub Registrar,
Virugambakkam Registrar Office,
Chennai.

+1 CC to Mr.V.Manisekaran, Advocate sr 19805
+1 CC to The Government Pleader sr 20587.

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PMK (CO)
SP(12/04/2022)