



W.P.No.26169 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26169 of 2022

Mrs. Bharathi Vadiumudi
W/o Venkata Rao Vadimudi

... Petitioner

Vs

1. The District Registrar,
Kancheepuram District, Kancheepuram
2. The Sub Registrar,
Sriperumbudur Taluk,
Sriperumbudur, Kancheepuram District.
3. R. Chandrasekaran
4. M/s Mannur properties Private Limited
No.13m Raghaveera Avenue
Poes Garden, Chennai 600 086.
5. M/s Neela Avenues Private Limited,
Plot No.32, Sagar Society Road,
Road No.2, Banjara Hills, Hyderabad 500 034
6. Chellan



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7. R. Babu

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents 1 and 2 to take appropriate action on the petitioner's complaint dated 24.08.2022 by invoking proceedings under Section 68(2) and 69 of the Registration Act, 1908.

For Petitioner : Mr.J. Pothiraj

For Respondents 1 and 2 : Mr.C. Kathiravan
Additional Government Pleader

For Respondent-3 :Mr.G.Krishna Raja
Additional Government Pleader

For Respondents 4 and 6 : Tapal returned

ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus directing the respondents 1 and 2 to take appropriate action on the petitioner's complaint dated 24.08.2022 by invoking proceedings under Section 68(2) and 69 of the Registration Act, 1908.

2.The brief facts relating to the case in a nutshell is as follows.

2.1.The case of the petitioner is that the petitioner acquired the subject property from his mother by way of settlement deed dated 11.02.2008 registered as document no.1642 of 2008 in the office of the Sub Registrar, Sriperumbudur.



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2.2. Whiles the sixth respondent allegedly created a general power of attorney on 03.11.2005 in favour of third respondent and the same was registered as Document No.1536 of 2005.

2.3 Thereafter on the strength of the said general power of attorney the third respondent sold the properties to the fourth respondent, who inturn sold the same to the fifth respondent.

2.4. Aggrieved over the fraudulent transactions made by the respondents 3 to 6, the petitioner has given a representation on 25.08.2022 to the first and second respondent, but the same was not considered. Hence the petitioner has come up with this writ petition.

3. The learned counsel for the petitioner submits that the petitioner is the absolute owner of the property and the documents executed by the respondents 3 to 6 are fraudulent one and the same ought to be cancelled by applying section 68(2) or 69 of the Registration Act for which he has given a



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representation to the first and second respondents, but the same was not considered. Hence prays this Court to issue a direction to the respondents 1 and 2 to consider the said representation.

4. Heard both sides and perused the materials available on record.

5. The facts of the case is that the petitioner is the owner of the subject property and the respondents 3 to 6 entered into a criminal conspiracy and alleged created fraudulent transactions and in order to cancel the same the petitioner has approached the respondents 1 and 2. However, the respondents 1 and 2 are revenue authorities who have no judicial power to decided the title over the property. As averred by the learned counsel for the petitioner if the documents executed by the respondents 3 to 6 is a fraudulent one the petitioner ought to establish the title right over the subject property by way of approaching the competent Civil Court.

6. In view of the above,the petitioner has to ventilate his grievance in the suit and come out successful and he cannot avail the benefit by preferring



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the present writ petition, which is not maintainable.

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7. In such view of the matter, this Court is of the considered view that the petitioner has to work out his remedy before the civil Court and no orders can be passed in these writ petition.

8. For the reasons stated above, this Writ Petition is dismissed. However petitioner is granted liberty to work out his remedy before the Competent Civil Court. No costs.

07.11.2022

smn

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1. The District Registrar,
Kancheepuram District, Kancheepuram

2. The Sub Registrar,



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Sriperumbudur Taluk,
Sriperumbudur, Kancheepuram District.

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M.DHANDAPANI,J.

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