



W.P.(MD).No.520 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 24.11.2022

ORDER PRONOUNCED ON : 29.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.520 of 2016

Dharmar

Vs

....Petitioner

1.The Inspector General of Registration
Chennai

2.The Additional Superintendent of Police
Thiruvarumbur
Trichy District

3.The District Registrar
District Registration Office
Trichy

4.The Sub Registrar
Sub Register Office
Thiruverumbur
Trichy District

5.Subburathinam

6.Selvi

7.Mariappan

8.Deivanai

....Respondents

(R6 to R8 are impleaded
vide Court order dated 16.11.2022)



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Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to take necessary action against the alleged 5th respondent as well as the sale deeds executed by him in respect of the house sites name and style of “ Officers Town Part II “C’ Block in Survey No.435/4E at the extent of 3 acre 50 cents situated at Vallavanthaankottai Village, Thiruvarambur Sub Registration District, Trichy and to proceed in accordance with law.

For Petitioner	: Mr.M.Ramu
For R1, R3 & R4	: Mr.S.R.A.Ramachandran Additional Government Pleader
For R2	: Mr.P.Kottaichamy Government Advocate (Crl.side)
For R5 to R8	: Mr.R.Sundar Srinivasan

ORDER

The present writ petition has been filed seeking a mandamus directing the respondents 1 and 2 to take necessary action against the fifth respondent as well as the sale deed executed by him in respect of house sites in the name and style of Officers Town Part II 'C' Block situated at Vallavanthaankottai Village, Thiruvarambur Sub Registration District, Trichy.

2.According to the learned counsel for the petitioner, the petitioner had purchased an extent of 3 acres 76 cents in Survey No.435/4E from one



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Rajammal under a registered sale deed dated 10.05.1994. Thereafter, he had executed a registered power deed in favour of the fifth respondent herein on 10.12.2010 to deal with the property including the creation of lay out and alienation of the said plots. The learned counsel had further contended that the petitioner had executed a power deed only for an extent of 2 acres on the northern side of 3.75 acres owned by him. Based upon the said power deed, the fifth respondent had created a lay out and he had sold the said 2 acres in favour of various third parties. Whenever the petitioner had demanded the sale consideration, the fifth respondent was informing the petitioner that the documents are pending under Section 47-A of the Registration Act and only after the said documents are released, he could disburse the sale consideration.

3. According to the petitioner, he had executed another power deed in Document No.5472/ 2014 for an extent of 1.50 acres. Based upon the said power deed, the fifth respondent has proceeded to execute various sale deeds in favour of the third parties. Though the lay out plan shows road, the total extent sold under the sale deeds show that the road portion has already been sold by the fifth respondent herein. The fifth respondent has sold the property at the rate of 600/- per sq.ft. The petitioner is entitled to a sum of Rs.9.15 crores from the fifth respondent herein. Since the fifth respondent has committed a fraud and the Sub Registrar was also involved in the said fraud,



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he had given a representation to the respondents 1 and 2 for initiating proper action. However, there was no response for the said representation and hence, the present writ petition.

4.A perusal of the representation would clearly indicate that the petitioner has executed a power deed for 3.50 acres in favour of the fifth respondent herein under two documents namely Document No.1523/2010 and 5472/2014. Based upon the said power deeds, the fifth respondent has executed a sale deed in favour of the third parties. The allegation in the complaint relates to the financial transaction between the principal and his agent. The main contention of the writ petitioner is that the fifth respondent has to pay a sum of Rs.9.15 crores to him in view of alienation made by his agent by creation of lay out.

5.The prayer in the said representation is for recovery of the said amount. Therefore, it is clear that the authorities under the Registration Act or police authorities would have no jurisdiction to entertain any complaint in this regard. The only remedy open to the writ petitioner is to approach the competent Civil Court to recover the amount from his power agent if the same has not been paid or accounted for.



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6.Hence, the prayer in the writ petition is not maintainable and the same is dismissed. No costs.

29 .11.2022

Internet : Yes/No
Index : Yes/No
msa

To

1.The Inspector General of Registration
Chennai

2.The Additional Superintendent of Police
Thiruvarumbur
Trichy District

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R.VIJAYAKUMAR, J.

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Pre-delivery order made in

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