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W.P.Nos.14469 to 14479 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.14469 to 14479 of 2016

and

W.M.P.Nos.12646 to 12667 of 2016

W.P.No.14469 of 2016:

Akilandeswari Real Estate (P) Ltd.,
Represented through the Managing Director
K.Sankara Subramanian, [Died]
S/o.Kailasa Konar, 67, North Andal Street,
Trichy – 2.

Akilandeswari Real Estate (P) Ltd.,
Represented through the Managing Director
A.Durairaju, S/o.Arunachalam,
67, North Andal Street,
Trichy – 2.

... Petitioner

[Petitioner Substituted in place of deceased P.K.Sankara Subramanian as per order dated 18.08.2017 in MP.Nos.3078 to 3088 of 2017 in WP.Nos.14469 to 14479 of 2016]

Vs.

1.The Inspector General of Registration
100, Santhom High Road
Chennai.

2.The Sub-Registrar
Kaveripakkam Sub-Registrar Office



Arakonam Circle
Vellore District.

W.P.Nos.14469 to 14479 of



3.K.A.Selvaraj

4.S.Deenadayalan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent culminated in the Power of Attorney Deed dated 13.03.2013 which has been registered in Document No.2060/2013 in Book No.1 and quash the same and consequently direct the 2nd Respondent to remove the entries made as Document No.2060/2013 in Book I dated 13.03.2013.

For Petitioners	: Mr.R.Narayanan (in all WPs)
For R1 & R2	: Mr.T.Arun Kumar Additional Government Pleader (in all WPs)
For R4	: Mr.K.Mohana Murali (in all WPs)
For R5	: Mr.B.Sundar (in WP Nos.14470 to 14473, 14475 14479 of 2017)
For R6	: Mr.K.Mohana Murali (in WP.No.14479 of 2016)
For R3	: No Appearance (in all WPs)

to



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COMMON ORDER

These writ petitions have been instituted to call for the records of the 2nd respondent culminated in the Power of Attorney Deed dated 13.03.2013, which has been registered in the Document No.2060/2013 in Book No.1 and consequently, direct the 2nd respondent to remove the entries made as Document No.2060/2013 in Book No.1 dated 13.03.2013.

2. The petitioner is Akilandeswari Real Estate Private Limited. The petitioner states that the company has been registered under the Companies Act, 1956. The company is engaged in real estate business in various districts across the State of Tamil. In order to develop the business, the 3rd respondent was appointed as Power Agent as well as the Manager of the company through Board resolution dated 07.03.2008. Based on the resolution, the petitioner / company had executed the Power of Attorney Deed in Document No.93 of 2009 dated 12.03.2009.

3. The grievance of the writ petitioner is that the Power of Attorney registered by the petitioner / company had been abused and fraudulently



utilised in collusion with the authorities for the purpose of registering the Sale Deeds.

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4. The learned counsel for the petitioner mainly contended that the Power of Attorney has been misused and the Sale Deed was fraudulently utilised by the another Power of Attorney, who is the 4th respondent herein. The 4th respondent had further misused the Power of Attorney, which resulted loss to the petitioner / company.

5. The nature of the dispute and the challenge made is with reference to the real estate business and more so, relating to immovable properties. All such issues are to be adjudicated with reference to the original documents and evidences and more so, oral evidences become necessary for the purpose of resolving the issues. High Court in a writ proceeding cannot undertake such elaborate adjudication, which is to be done through trial natured proceedings. Civil Rights are to be ascertained in respect of immovable property through the Civil Court Competent to adjudicate the issues raised between the parties.



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6. Since the issues are civil in nature and involves property transactions between the writ petitioner / company and the respondents, this Court is of an opinion that the petitioner has to approach the Competent Civil Court for the purpose of redressing its grievance. If at all, the petitioner has chosen to file a Civil Proceedings before the appropriate Court of Law, the period during which the writ petitions were pending before the High Court is to be taken into consideration for the purpose of condoning the delay if any.

7. With this liberty, the Writ Petitions are disposed of. No costs.
Consequently, connected Miscellaneous Petitions are closed.

21.03.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

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100, Santhom High Road
Chennai.

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S.M.SUBRAMANIAM, J.

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