



WEB COPY

W.P.No.11356 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11356 of 2023 &
W.M.P.Nos.11251, 18096 & 20450 of 2023

P.G.Unni Krishnan

... Petitioner

Vs.

1.The District Registrar,
Officer of District Registrar,
Chennai (South),
Integrated building for office of
Commercial taxes and Registration Department,
Fanepet, Nandanam,
Chennai.

2.The Sub Registrar,
Office of Sub-Registrar,
Rajalakshmi Nagar,
3rd Main Road,
Velacherry,
Chennai - 600 042.

3.Vedha

4.Manickam

5.Vivek Jain

6.Abhilasha Jain

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to cancel the fraudulent power of attorney dated 05.08.2011 bearing document No.943/2011, registered sale deeds evenly dated 01.12.2011 bearing document numbers 7015/2011 and 7016/2011, registered sale deed dated 05.07.2013 bearing document No.3949/2013 on the file of the second respondent.

For Petitioner : Mr.R.Rajarajan

For Respondents 1 & 2 : Mr.G.Krishna Raja,
Additional Government Pleader

For Respondents 3 & 4 : Mr.Y.Venkatesan

For Respondents 5 & 6 : Mr.S.Sathish Kumar

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to cancel the fraudulent power of attorney dated 05.08.2011 bearing document No.943 of 2011, registered sale deeds dated 01.12.2011 bearing document numbers 7015/2011 and 7016/2011 and a registered sale deed dated 05.07.2013 bearing document No.3949/2013 on the file of the second respondent.



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2. In respect of the relief sought for in the present writ petition, the same cannot be considered in a writ proceeding under Article 226 of the Constitution of India. Disputed facts relating to civil rights are to be adjudicated before the competent civil court of law, based on the original documents and evidences available on record. Such an adjudication cannot be undertaken in a writ proceeding.

3. The power of judicial review cannot be expanded for the purpose of adjudication of disputes of civil nature and in the present case, the very relief sought for in the present writ petition is to cancel the power of attorney registered in the year 2011 and the sale deeds registered in the year 2011 & 2013. The writ petition has been instituted in the year 2023, after a lapse of about 10 years from the date of registration of the documents.

4. Even section 77A of the Registration Act cannot be invoked for the purpose of cancellation of documents, which were registered long before the amendment effected under the Registration Act. All such issues are to be adjudicated by the competent civil court of law.



5. The learned counsel appearing for the respondents 3 and 4 brought to the notice of this Court that a civil suit has already been instituted between the parties.

6. That being the factum, the parties are at liberty to redress their grievances in the pending civil suit or by instituting further proceedings in the manner known to law.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

28.08.2023

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Index : Yes
Speaking order



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To

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S.M.SUBRAMANIAM, J.

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