



WEB COPY

WP No.8450 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-04-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.8450 of 2014

And

MP No.1 of 2014

1.Dhanraj N.Kochar

2.Sureshkumar D.Kochar

... Petitioners

Vs.

1.The Joint-I Sub Registrar,
Saidapet, South Chennai,
Chennai-600 015.

2.D.Ganesan

3.T.Bhaskaran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the first respondent herein from entertaining or registering any documents to be presented by the second respondent or anybody claiming through him in respect of Survey No.182 of Vanagaram Village measuring an extent of 2340 sq. ft., together with building measuring an extent of 1800 sq. ft., to be presented by the



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second respondent.

For Petitioners	: Mr.R.Bharathkumar
For Respondent-1	: Mr.T.Arunkumar, Additional Government Pleader.
For Respondent-2	: Mr.N.Mariappan
For Respondent-3	: No Such Person

ORDER

The relief sought for in the present writ petition is to forbear the first respondent herein from entertaining or registering any documents to be presented by the second respondent or anybody claiming through him in respect of Survey No.182 of Vanagaram Village measuring an extent of 2340 sq. ft., together with building measuring an extent of 1800 sq. ft., to be presented by the second respondent.

2. The petitioners state that the house, ground and premises bearing old Door No.3/272, presently renumbered as 3/10, Arunachalam Nagar, Second Street, Vanagaram, Chennai-95 comprised in Survey No182



of Vanagaram Village measuring an extent of 2340 sq. ft., together with building measuring an extent of 1800 sq. ft., originally belonged to the third respondent. The third respondent executed the Deed of General Power of Attorney dated 03.11.2000 appointing the first petitioner as Power Agent to deal with the property.

3. By virtue of the power granted to him, the first petitioner had executed the Sale Deed dated 30.12.2005 in the Office of the District Registrar, South Chennai in his favour. The first petitioner states that he is exercising his right of ownership over the said property.

4. The first petitioners by virtue of the Power of Attorney granted to him executed the Sale Deed dated 30.12.2005 in his favour.

5. That being the nature of the documents executed, now the petitioners state that the first respondent should be prevented from entertaining or registering any documents to be presented by the second respondent. Thus there is a dispute exist between the petitioners and the second respondent and therefore, the said dispute regarding the title is to be



resolved by the Competent Civil Court of Law.

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6. This Court cannot forbear the first respondent-The Joint-I Sub Registrar from registering any document if it is submitted in accordance with the provisions of the Registration Act and the Rules in force. In respect of the dispute between the petitioners and the second respondent, it is a private dispute, which is to be resolved in the manner known to law and therefore, the petitioners are at liberty to approach the Competent Civil Court of Law for the purpose of establishing their rights in respect of the subject property. However, the relief as such sought for in the present writ petition cannot be granted.

7. Accordingly, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

20-04-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

The Joint-I Sub Registrar,
Saidapet, South Chennai,
Chennai-600 015.

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S.M.SUBRAMANIAM, J.

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