



WA No.2704 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA No.2704 of 2023

1.Dhanalakshmi

2.Ravichandar

: Appellants

versus

1.C.Radhakrishnan

2.The Directorate of Tamil Nadu Town & Country Planning,  
No.807, Anns Salai, Chennai 2

3.The Deputy Director of Town & Country Planning,  
Chengalpattu Region,  
No.124, Municipal Complex,  
GST Road, Chengalpattu 603 001

4.The Sub Registrar,  
Chengalpattu District

5.J.Vijay Surana

: Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 05.06.2023 in WP No.34151 of 2022.

For the Appellants

:

Mr.L.Dhamodharan



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For the Respondents : Mr.P.Muthukumar,  
State Government Pleader,  
assisted by Mrs.R.Anitha,  
Special Government Pleader,  
for respondents 2, 3 and 4

### JUDGMENT

(Made by the Hon'ble Chief Justice)

This writ appeal has been filed challenging the order of the learned Single Judge dated 05.06.2023 in WP No.34151 of 2022.

2. The learned counsel for the appellants submits that the appellants are the original respondents 4 and 5 in the writ petition. According to the learned counsel, the learned Single Judge ought not to have entertained the writ petition, as there is a remedy of appeal as against the order impugned in the writ petition. The learned counsel submits that the authorities have rightly concluded that the power of attorney/sale deed has been executed by force i.e. the appellants were forcefully taken to the Sub Registrar's office and they were coerced to execute the documents. This aspect was considered by the authorities. However, the learned Single Judge failed to consider the said aspects



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and has observed that only the Civil Court is competent to deal with the nature of allegations made by the appellants. The appellants are poor agriculturists.

3. The execution of documents is not disputed. However, according to the appellants, the documents got executed by coercion. The aspect of fraud, coercion, undue influence can be proved only before the Civil Court. Pleadings will have to be made about the exercise of coercion, and evidence will have to be led. The appellants are not without a remedy. The appellants could very well approach the Civil Court as may be permissible and that is what has been observed by the learned Single Judge in the impugned order. The learned Single Judge has observed that all the facts which are alleged by the respondents 4 and 5/present appellants have to be established before the Civil Court and these aspects can never be decided by the revenue authorities.

4. If the appellants so desire, the appellants can approach the Civil Court. Naturally, the judgment and findings given by the Civil Court are binding on the revenue authorities. Before the Civil Court,



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the appellants can seek all permissible reliefs.

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5. The appellants are at liberty to take appropriate steps as may be permissible under law for the said purpose. In case the appellants succeed before the Civil Court, then, that judgment would be binding on all the revenue authorities and the orders passed by the revenue officials would be subject to the decision of the Civil Court.

6. With these observations, the writ appeal is disposed of. There will be no order as to costs. Consequently, CMP Nos.22757 and 22759 of 2023 are closed.

**(S.V.G., CJ.)**

**(D.B.C., J.)**

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Index : Yes/No  
Neutral Citation : Yes/No  
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To

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THE HON'BLE CHIEF JUSTICE  
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