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WP Nos. 33429/2022 & 10282/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Petition Nos. 33429 of 2022
and 10282 of 2023

WP No. 33429 of 2022

M/s. Thapar House Owners Association
represented by its Executive Committee Member
Mr. P. Jaya Purushothaman
Son of Late. P. Anandha Rao
Door No.43/44, New No.37
Montieth Road, Egmore
Chennai - 600 008

.. Petitioner

Versus

1. The Inspector General of Registration
Inspector General of Registration Office
No.100, Santhome High Road
Chennai
2. The District Registrar
Chennai Central
Chennai
3. The Sub-Registrar
Periamet Sub-Registrar Office
Chennai



WP Nos. 33429/2022 & 10282/2023

4. Mrs. Adde Pallin Shanthi
Wife of Mr. A.N. Purushothaman
No.B-27, Krishna Apartments
Officer Colony Main Road
Anna Nagar West Extension
Padi, Chennai - 600 050

5. Mr. Ravi N. Iyer
Son of R. Neelakandan
Plot No.511, Annapoorna 12th Road
Chembur East, Chembur H.O.
Mumbai - 400 071

6. Vasantha Kumaran
Son of Ponnambalam
No.7/15, Appu Street, 1st Lane
Mylapore, Chennai - 600 004

.. Respondents

WP No. 10282 of 2023

P. Vasanthakumaran
Son of Ponnambalam
No.2/22, Venkatasamy Street
Mylapore, Chennai - 600 004

.. Petitioner

Versus

1. The Secretary
Bar Council of Tamil Nadu and Puducherry
High Court Campus
Chennai - 600 104

2. The Assistant Secretary
Bar Council of Tamil Nadu and Puducherry
High Court Campus
Chennai - 600 104



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3. V. Naveen Kumar
Advocate (Enrolment No.2928/2019)
No.28, Marry Complex
Bazaar Road, Madhavaram
Chennai - 600 060

4. S. Shanmuga Velayutham
Advocate (Enrolment No.2691/2010)
No.29, Cocain House
Greems Road, Thousand Lights
Chennai - 600 006

.. Respondents

WP No. 33429 of 2022:- Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to take steps to cancel the fraudulent documents of General Power of Attorney bearing document No. 1797 of 2020 dated 20.10.2020 and Sale deed document No. 252 of 2022 dated 03.02.2022 registered on the file of the third respondent based on the petitioner's representation dated 13.08.2022 and 06.09.2022.

WP No. 10282 of 2023:- Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the first respondent to take appropriate disciplinary action on the complaint of the petitioner dated 09.01.2023 against the third and fourth respondents taken on record as Complaint No. 17 of 2023 within the time frame fixed by this Court.

WP No. 33429 of 2022

For Petitioner : Mr. S. Shanmuga Velayutham

For Respondents : Mr. G. Ameetdivs
Government Advocate for RR1 to 3

Mr. K.R. Arun Shabari for R4

Mr. C.M. Mohanasundaram for R6

No appearance for R5



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WP No. 10282 of 2023

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For Petitioner : Mr. C.M. Mohanasundaram

For Respondents : Mr. M.R. Jothimanian for RR1 and 2
Mr. Maharajan
for Mr. G. Mutharasu for RR3 and 4
Mr. R.D. Ashok Kumar
Advocate Commissioner

COMMON ORDER

(Order of the court was made by R.Mahadevan, J.)

According to the petitioner in WP No. 33429 of 2022 viz., Thapar House Owners Association, it is a registered society under the Tamil Nadu Societies Registration Act, 1975 and was formed to safeguard the rights and ownership of the several flats/office premises constructed in the land comprised in Block No.50, R.S.No.1605/14, R.S.No.1605/24 & R.S.No.1605/36 of Egmore Taluk, Door Nos.43 & 44, New No.37, Montieth Road, Egmore, Chennai District. They have preferred this writ petition seeking a mandamus, directing the respondents 1 to 3 to take steps to cancel the fraudulent documents executed between the respondents 4, 5 and 6, viz., general power of attorney bearing Document No.1797 of 2020 dated 20.10.2020 and sale deed bearing Document No.252 of 2022 dated 03.02.2022 registered on the file of the third respondent, by considering the representations made by the petitioner on 09.08.2022 and 05.09.2022.



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2. The other Writ Petition bearing No. 10282 of 2023 has been filed by one P.Vasanthakumaran, who is the sixth respondent in WP.No.33429 of 2022, stating that he is the power of attorney holder of the owners of the undivided share of land and building in the name of Thapar House situated in the fourth floor at No.43/44, Montieth Road, Egmore, Chennai - 600 008. According to him, the suit in OS.No.6885 of 2010 filed by the petitioner in WP.No.33429 of 2022, seeking declaration that they are the owners of the entire extent of property in New No.37, Old No.43/44, Montieth Road, Egmore, Chennai, along with injunction application, came to be dismissed and the appeal filed against the said dismissal, also came to be dismissed. While so, the petitioner Association in WP.No.33429 of 2022 has filed another suit in O.S. No. 8517 of 2022, in which, the petitioner was arrayed as third defendant. The said suit was instituted by the third and fourth respondents herein as counsel for the plaintiff. Thereafter, the third and fourth respondents have also filed Writ Petition No. 33429 of 2022 for the very same relief as sought in the suit in O.S.No.8517 of 2022, thereby suppressing the material facts and without disclosing the earlier proceedings, which amount to professional misconduct, for which, action has to be taken against them. Stating so, the petitioner in WP.No.10282 of 2023, has given a complaint on 09.01.2023 to the second respondent to initiate appropriate action against the respondents 3



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and 4 for their alleged professional misconduct. The said complaint was taken on file as Complaint No.17 of 2023 and notice was sent to the respondents 3 and 4. Upon receipt of the same, they have filed their counter affidavit, copies of which have also been furnished to the petitioner on 28.02.2023. Thereafter, nothing moved. Therefore, the petitioner has come forward with this writ petition.

3. When these writ petitions were taken up for hearing today, the learned counsel appearing for both sides submitted that the disputes between the parties have been amicably settled and a Joint Memorandum of compromise dated 28.04.2023 entered into among the parties viz., (i) M/s. Thapar House Owners Association - petitioner in WP No. 33429 of 2022 (ii) Mr. Vasanthakumaran, sixth respondent in WP. No.33429 of 2022 / petitioner in WP. No.10282 of 2023 and (iii) Mrs. Adde Pallin Shanthi, fourth respondent in WP. No. 33429 of 2022, has been filed to that effect.

4. It is also submitted by the learned counsel for the petitioner Association in WP. No. 33429 of 2022 that pursuant to the memorandum of compromise entered into between the parties on 28.04.2023, the petitioner submitted a representation dated 05.06.2023 to the respondents 1 to 3 /



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Registration authorities, requesting them to close all their complaints / representations dated 09.08.2022 and 05.09.2022 as withdrawn and not to proceed further in any manner. In support of the same, the learned counsel produced a copy of the said representation before this court.

5. It is further submitted by the learned counsel for the petitioner in WP.No.33429 of 2022 that in terms of the compromise memo dated 28.04.2023, the petitioner Association has sent a communication dated 18.10.2023 stating that they are not intending to pursue all the suits viz., O.S.No.8517 of 2022 pending on the file of XXIII Assistant City Civil Court, Chennai. and I.A. filed for restoration of the suit in O.S.No.6885 of 2010 on the file of the I Additional City Civil Court, Chennai and hence, requested their learned counsel to withdraw the same. Accordingly, all the suits including interlocutory applications have also been dismissed as withdrawn.

6. The learned counsel for the respondents 1 and 2 in WP. No. 10282 of 2023 has also filed a report dated 10.06.2023, wherein, it is *inter alia* stated that after elaborate discussion, the General Council of Bar Council vide resolution no.227 of 2023 dated 17.03.2023, has dropped the complaint no.17 of 2023, which is the subject matter of WP.No.10282 of 2023. It is also



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stated in the said report that further action on the counter complaint filed by the third respondent in WP.No.10282 of 2023 viz., Naveen Kumar, against the counsel for the petitioner in the said writ petition, was also dropped by the Bar Council. Thus, according to the learned counsel, no further orders need be passed herein.

7. In view of the subsequent developments as referred to above, both the writ petitions are disposed of in terms of the Joint Memorandum of Compromise dated 28.04.2023 entered into between the parties. No costs. The Joint Memorandum of Compromise dated 28.04.2023 shall form part of this order.

(R.M.D., J) (M.S.Q., J)

20.10.2023

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non-Speaking Order

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To

1. The Inspector General of Registration
Inspector General of Registration Office
No.100, Santhome High Road
Chennai



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2. The District Registrar
Chennai Central, Chennai
3. The Sub-Registrar
Periamet Sub-Registrar Office
Chennai
4. The Secretary
Bar Council of Tamil Nadu and Puducherry
High Court Campus
Chennai - 600 104
5. The Assistant Secretary
Bar Council of Tamil Nadu and Puducherry
High Court Campus
Chennai - 600 104



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R. MAHADEVAN, J
and
MOHAMMED SHAFFIQ, J

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