



W.P.No.33026 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2023

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.33026 of 2023

K.Saisivasankaran

... Petitioner

Vs.

1. The District Registrar
Office of the District Registrar
Thiruvallur- 602 001.
2. The Sub - Registrar
Office of the Sub Registrar Manavalanagar
Thiruvallur District.
3. The Sub- Registrar
Office of the Sub Registrar Perambakkam
Thiruvallur District.
4. K.Santhakumar
5. Thalapathy Moorthy(Power Agent)
6. S.Gunaseelan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, direct the respondents 1 to 3 to cancel the General Power of Attorney dated 28.08.2006 bearing document No.226 of



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2006 and Sale Deed bearing Document No.6410 of 2008 dated 10.12.2008 on the basis of petitioner's representation dated 17.11.2022.

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For petitioner : Ms.R.Saritha
For respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition is filed seeking a mandamus, to direct the respondents 1 to 3 to cancel the General Power of Attorney dated 28.08.2006 bearing document No.226 of 2006 and Sale Deed bearing Document No.6410 of 2008 dated 10.12.2008 on the basis of the petitioner's representation dated 17.11.2022.

2. It is submitted by the learned counsel for the petitioner that the petitioner's father had purchased 0.24 cents out of 0.72 cents in Survey No.186/8 at Kizh Nalllathur Village, Thiruvallur Taluk and District and 0.41 cents out of 0.82 cents in Survey No,114/6 at Polivakkam Village, Thiruvallur District, in toto 0.65 cents from the third respondent by way of a registered Sale Deed dated 05.06.1989 bearing document No.1148 of 1989 at SRO Manavala Nagar, Thiruvallur District. The petitioner's father expired on 07.07.2010 leaving behind the petitioner and other legal heirs.



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3. It is further submitted by the learned counsel for petitioner that the fourth respondent had suppressed the earlier Sale Deed executed in favour of the petitioner's father and fabricated a fake Power of Attorney dated 28.08.2006 in favour of the fifth respondent bearing document No.226 of 2006. In turn, basing on the said Power of Attorney, the fifth respondent executed a Sale Deed in favour of the sixth respondent. Now, the petitioner is seeking a direction to cancel both the General Powers of Attorney by considering the petitioner's representation dated 17.11.2022.

4. Learned Additional Government Pleader appearing for the respondents is present and submitted that the petitioner is seeking cancellation of the documents without approaching the Civil Court.

5. Whether the fifth respondent has no right to execute sale deed in favour of the sixth respondent is a question which will have to be decided after full fledged trial by the trial Court as the respondents. The petitioner is expected to approach the Civil Court seeking cancellation of registered sale deed. The dispute in respect of registration of sale deed is a dispute between the petitioner and respondents five and six is a private dispute, as respondents



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one to three have noting to do with the same.

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DR. D.NAGARJUN,J.

5. Accordingly, this writ petition is dismissed. No costs.

23.11.2023

vca

Index : Yes/No
Citation : Yes/No
Internet : Yes/No

To:

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