



WEB COPY



W.P.No.32773 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.32773 of 2023

M.Duraipandi

... Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome Highways,
Chennai – 600 028.
2. The District Registrar (Administration),
Office of the District Registrar (South Chennai),
Integrated Commercial Tax and Registration Department,
Officer Buildings,
Nandhanam,
Chennai – 600 035.
3. The Sub-Registrar,
Neelankarai Sub Registrar Office,
ECR Road,
Neelankarai,
Chennai – 600 061.
4. P.A.Subramanian
5. V.Sellapandi
6. A.M.Shamundeeswari
Respondents

...



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the third respondent to register the documents in the Survey No.76/1A measuring 39.50(98 cents) and Survey No.76/1A1A1A1A measuring 12.60 (31 cents) of Neelankarai Village, Sholinganallur Taluk, Chennai District.

For Petitioner : Mr.V.Baskaran

For R1 to R3 : Mr.Yogesh Kannadasan
Special Government Pleader

For R4 to R6 : Mr.P.Gnanasekaran

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus forbearing the third respondent to register the documents relating to the land in Survey No.76/1A measuring 39.50(98 cents) and Survey No.76/1A1A1A1A measuring 12.60 (31 cents) of Neelankarai Village, Sholinganallur Taluk, Chennai District.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the official respondents and the learned Counsel appearing for the private respondents.



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3. Learned counsel for the petitioner submitted that the respondents 5 and 6 approached the petitioner and asked him to purchase the property in question. The petitioner has given advance amount of Rs.40 lakhs to the sixth respondent and executed MoU on 14.06.2023. Later the petitioner came to know that the power of attorney deed dated 06.06.2023 submitted by the respondents 5 and 6 is a fraudulent document. Hence, the petitioner made representation to the respondents 1 to 3 to take necessary action to forbear the third respondent not to register any document with regard to the petition mentioned property.

4. Learned counsel for the private respondents submitted that based on the agreement alone, the petitioner stated that the power of attorney is forged.

5. Admittedly, the petitioner did not have any interest or right on the property as on date. It is stated that the petitioner entered into a sale agreement. It is well settled proposition of law that the agreement will not convey title, unless the sale deed is executed. If the executor of the



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agreement refuse to execute the sale deed or attempt to execute the sale deed with other persons, it is for the petitioner to approach the Civil Court to get a decree, which requires pleadings, oral and documentary evidence and trial. This Court cannot conduct a roving enquiry. Since the dispute is civil in nature, the petitioner has to establish his right through oral and documentary evidence by approaching the Civil court and not by way of writ petition. Hence the petitioner is not entitled to get the relief as sought for in this writ petition.

6. In view of the above, The Writ Petition is dismissed. The petitioner is at liberty to workout his remedy in the manner known to law. There shall be no order as to costs.

19.12.2023

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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P.VELMURUGAN, J.

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