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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.14041 to 14060 of 2017

and

W.M.P.Nos.15241 to 15280 of 2017

W.P.No.14041 of 2017:

Akilandeswari Real Estate (P) Ltd.,
Represented through the Managing Director
A.Durairaju,
S/o.Arunachalam,
4/13, Chekkadi Lane,
East Andal Street,
Trichy – 2.

... Petitioner

Vs.

1.The Inspector General of Registration
100, Santhom High Road
Chennai.

2.The Sub-Registrar
Joint Sub-Registrar No.II
Kanchipuram
Kanchipuram District.

3.K.A.Selvaraj

4.S.Paneerselvam

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India 101
issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd
respondent culminated in the Power of Attorney Deed dated 11.01.2012 which has
been registered in Document No.6/2012 in Book No.1 and quash the same and
consequently direct the 2nd Respondent to remove the entries made as Document
No.6/2012 in Book I dated 11.01.2012.

For Petitioner	: Mr.R.Narayanan (in all WPs)
For R1 & R2	: Mr.T.Arun Kumar Additional Government Pleader (in all WPs)
For R4	: Mr.J.R.K.Bhavanantham (in WP.Nos.14041, 14045, 14046 & 14059 of 2017)
For R5	: Mr.Rahul K.Jain (in WP Nos.14043 & 14047 of 2017)
For R5	: Mr.P.Saloman Francis (in WP.No.14045 of 2017)
For R4	: Mr.P.Saloman Francis (in WP.Nos.14049 & 14059 of 2017)
For R4 & R5	: Mr.P.Saloman Francis (in WP.No.14058 of 2017)
For R5	: Ms.Magarani (in W.P.Nos.14050, 14052, 14055, 14057 of 2017)
For R3	: No Appearance (in All WPs)
For R4	: No Appearance (in WP.Nos.14042, 14044, 14047, 14048 to 14057, 14059 & 14060 of 2017)
For R5	: No Appearance (in WP.Nos. 14044, 4046, 14048, 14053, 14054, 14059 & 14060 of 2017)
For R6	: No Appearance (in WP.Nos.14055 & 14059 of 2017)

**COMMON ORDER**

These writ petitions have been instituted to call for the records of the 2nd respondent culminated in the Power of Attorney Deed dated 11.01.2012, 15.07.2013, 19.07.2013, 26.08.2013, 21.10.2013, 07.11.2013, 03.01.2014, 06.01.2014, 28.01.2014, 29.01.2014, 20.02.2014, 16.07.2014, 18.03.2015, 20.11.2015, 30.09.2013 which have been registered in the Document Nos.6 of 2012, 4179, 4260, 4879, 6542, 6543, 6121 of 2013, 24, 70, 333, 334, 335, 355, 1006, 3931 of 2014, 1231, 1232, 7028, 7029 of 2015, 5494 of 2013 in Book No.1 respectively and consequently, direct the 2nd respondent to remove the entries made as Document Nos.6 of 2012, 4179, 4260, 4879, 6542, 6543, 6121 of 2013, 24, 70, 333, 334, 335, 355, 1006, 3931 of 2014, 1231, 1232, 7028, 7029 of 2015, 5494 of 2013 in Book No.1 dated 11.01.2012, 15.07.2013, 19.07.2013, 26.08.2013, 21.10.2013, 07.11.2013, 03.01.2014, 06.01.2014, 28.01.2014, 29.01.2014, 20.02.2014, 16.07.2014, 18.03.2015, 20.11.2015, 30.09.2013 respectively.

2. The petitioner is Akilandeswari Real Estate Private Limited. The petitioner states that the company has been registered under the Companies Act, 1956. The company is engaged in real estate business in various districts across the State of Tamil. In order to develop the business, the 3rd respondent



was appointed as Power Agent as well as the Manager of the company through Board resolution dated 07.03.2008. Based on the resolution, the petitioner / company had executed the Power of Attorney Deed in Document No.93 of 2009 dated 12.03.2009.

3. The grievance of the writ petitioner is that the Power of Attorney registered by the petitioner / company had been abused and fraudulently utilised in collusion with the authorities for the purpose of registering the Sale Deeds.

4. The learned counsel for the petitioner mainly contended that the Power of Attorney has been misused and the Sale Deed was fraudulently utilised by the another Power of Attorney, who is the 4th respondent herein. The 4th respondent had further misused the Power of Attorney, which resulted loss to the petitioner / company.

5. The nature of the dispute and the challenge made is with reference to the real estate business and more so, relating to immovable properties. All such issues are to be adjudicated with reference to the original documents and evidences and more so, oral evidences become necessary for the purpose



of resolving the issues. High Court in a writ proceeding cannot undertake such elaborate adjudication, which is to be done through trial natured proceedings. Civil Rights are to be ascertained in respect of immovable property through the Civil Court Competent to adjudicate the issues raised between the parties.

6. Since the issues are civil in nature and property transactions between the writ petitioner / company and the respondents, this Court is of an opinion that the petitioner has to approach the Competent Civil Court for the purpose of redressing its grievance. If at all, the petitioner has chosen to file a Civil Proceedings before the appropriate Court of Law, the period during which the writ petitions were pending before the High Court is to be taken into consideration for the purpose of condoning the delay if any.

7. With this liberty, the Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

10.03.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

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