



W.P.No.33693 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.12.2023

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

**W.P.No.33693 of 2023 and
W.M.P.Nos.33552 and 33554 of 2023**

S.Shanthi

... Petitioner

Versus

1. The District Collector,
Thiruvallur District, Thiruvallur - 602001.
2. The District Registrar,
Registration District Chennai-North,
Kuralagam, 1st Floor, Parrys,
Chennai – 600 104.
3. The Commissioner of Police,
Avadi Commissioner Office,
Avadi, Chennai-600054.
4. The Tahsildar,
Ambattur Taluk Office,
Ambattur, Chennai – 600053.
5. The Sub Registrar,
Konnur Sub Registration Office,
Ambattur, Chennai – 600 053.
6. The Inspector of Police,
V7, Nolambur Police Station,



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Mugappair, Chennai – 600037.

7. M/s.CAN FIN Homes Limited,
Old No.29A, New No.7A,
Ground Floor, High School Road,
Secretariat Colony,
Ambattur, Chennai – 600053

8. M/s.Axis Bank Limited,
M.M.Tower, 1st Floor,
No.426/469, M.T.H.Road,
Ambattur, Chennai – 600053.

9. Radhakrishnan
10.G.Arvind

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the second respondent to consider the petitioner representation dated 10.10.2023 under Section 77A of the Registration Act, 1908 by fixing a time period in accordance with law.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.Yogesh Kannadasan,
Spl. Govt. Pleader for R1, R2, R4 & R5

Mr.S.Sugendran,
Addl. Public Prosecutor for R3 and R6

ORDER

This writ petition has been filed to direct the second respondent to consider the petitioner representation dated 10.10.2023 under Section 77A of



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the Registration Act, 1908 by fixing a time period in accordance with law.

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2 Learned counsel appearing for the petitioner would submit that the petitioner has given representation to the official respondents 1 to 5 to cancel the deeds for the subject property, which were fraudulently executed by the 9th and 10th respondents, based on which loans were also availed and SARFAESI prosecution was also initiated. The learned counsel further submitted suit in O.S.No.291 of 2019 has also been filed before the District Munsif Court, Ambattur, against the petitioner's power agent viz. 9th respondent and the Bankers, who in collusion with the power agent sanctioned the loan. Therefore he prays direction to the respondents 1 to 5 to consider petitioner's representation.

3 Heard the learned counsel for the petitioner and the learned Special Government Pleader for respondents 1, 2, 4 and 5. Since there is no adverse order is being passed against the respondents 7 to 10, notice to those respondents is dispensed with.

4 It is the grievance of the petitioner that her power agent viz. 9th respondent fraudulently sold the property by manipulating the records and



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hence the petitioner gave representation to cancel all the forged sale deeds. But, admittedly the petitioner has filed civil suit in O.S.No.291 of 2019 with regard to the same property against her power agent and the Bankers. Considering the facts of the case and since the petitioner approached the Civil Court for the very same property, he is not entitled for the relief sought for in the writ petition.

5 Accordingly the writ petition stands dismissed. However, the petitioner is at liberty to workout her remedy in the manner known to law. Consequently connected miscellaneous petitions are closed. No costs.

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Index: Yes/No
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To

1. The District Collector Cum Arbitrator,
Chennai District, Chennai.
2. The Special District Revenue Officer, (LA),
National Highways 4 & 5,
Kancheepuram & Thiruvallur District.
3. The Special Tahsildhar (LA),
Office of Tahsildhar,
National Highways,
2nd Floor, Poonamallee,
Chennai – 600 056.
4. The Project Director,
National Highways Authority of India,
No.D.P.34, Sri Towers,
3rd Floor, South Phase,
Industrial Extension, Guindy,
Chennai – 600 032.



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P.VELMURUGAN, J.,

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