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W.P.No.34266 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 34266 of 2024

Kamalesh

...Petitioner

Vs.

1.The Inspector General Registration
100, Santhome High RD,
Raja Annamalai Puram,
Chennai 028.

2.The District Registrar, Chennai Central
Bharathi Salai, Express Estate,
Royapettah, Chennai- 014.

3.The Sub Registrar,
Mylapore
Kavignar Bharathidasan RD,
Seetammal Colony MIG Colony,
Alwarpet,
Chennai- 18.

4.M.A.Noor Jehan Beevi

5.Shaik Madar

6.Abdul Hassan

...Respondents



W.P.No.34266 of 2024

WEB COPY

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Mandamus, directing the 1st respondent to direct the 2nd respondent to consider the representation dated 28.10.2024 thereby to conduct enquiry of GPA Doc No.61 of 2006 and GPA Doc No. 9 of 2006 in respect of the property situated at Plot Nos.12 and 13, Subbarayan Salai, Mylapore, Chennai- 600 004, measuring an extent of 3 grounds and 1995 Sq. ft., i.e. 9195 Sq.ft., consisted 360 sq.ft. in R.S.No.3565/ 8, 541 sq.ft., in R.S.No.3565 / 2, 1 ground and 2198 sq.ft., in R.S.No. 3566 / 13 and 1 ground and 1296 sq.ft., in R.S. No.3566 / 2 of Mylapore Revenue Division formerly of Mylapore- Triplicane Taluk and now of Mylapore Taluk, Chennai District.

For Petitioners : Ms.Preethi Basker

For Respondents : Mr. B.Vijay
1 to 3 Additional Government Pleader.



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W.P.No.34266 of 2024

ORDER

The Writ Petition is filed for the following relief:

“To direct the 1st respondent to direct the 2nd respondent to consider the representation dated 28.10.2024 thereby to conduct enquiry of GPA Doc No.61 of 2006 and GPA Doc No. 9 of 2006 in respect of the property situated at Plot Nos.12 and 13, Subbarayan Salai, Mylapore, Chennai- 600 004, measuring an extent of 3 grounds and 1995 Sq. ft., i.e. 9195 Sq.ft., consisted 360 sq.ft. in R.S.No.3565/ 8, 541 sq.ft., in R.S.No.3565 / 2, 1 ground and 2198 sq.ft., in R.S.No. 3566 / 13 and 1 ground and 1296 sq.ft., in R.S. No.3566 / 2 of Mylapore Revenue Division formerly of Mylapore- Triplicane Taluk and now of Mylapore Taluk, Chennai District.”

2. The petitioner would contend that the property in question measures 3 grounds and 1995 sq.ft.s., which is comprised in the following survey numbers:

(i)R.S.No.3565/8 – 360 Sq.ft.

(ii)R.S.No.3565/2 – 541 Sq.ft.,



W.P.No.34266 of 2024

WEB COPY

(iii) *R.S.No.3566/13 – 1 ground and 2198 sq.ft.*

(iv) *R.S.No.3566/2 - 1 ground and 1296 sq.ft.*

all situate in Mylapore Revenue Division, Mylapore Taluk, Chennai, constituting Plot Nos.12 and 13, Subbarayan Salai, Mylapore, Chennai.

3. The subject property originally belonged to one Mrs.M.A.Noor Jehan Beevi, K.A.Shaik Madar and S.Abdul Hassan. They had obtained a right to the property under a registered settlement deeds dated 25.08.2015, 13.04.2017 and 20.05.2024, respectively.

4. The petitioner's contention is that one of these owners Shaik Madar had requested him to manage the litigation related to the schedule mentioned property on his behalf and to take steps to vacate the occupants. The petitioner would submit that nearly 40 civil suits were pending on the file of the City Civil Court, Madras, in respect of the above property. Thereafter, the petitioner had entered into an agreement of sale and a sum of Rs.10,00,000/- was paid which is also



W.P.No.34266 of 2024

acknowledged in the agreement dated 06.02.2023. The total sale consideration was a sum of Rs.7,25,00,000/-. The vendors had also agreed to the terms.

5. The petitioner would contend that he had paid Rs.7,00,000/- via IMPS, Rs.3,00,000/- in cash and Rs.90,00,000/- by cheque in favour of the vendor. The balance sale consideration of Rs.6,25,00,000/- was to be paid at the time of registration.

6. The petitioner would submit that the land owners have hidden the fact that the property was within the CRZ Zone II. That apart, a lake channel also passes through the property, which is not known even to the land owners. The petitioner would submit that he has been cheated by the land owners and suppressing the above facts sale agreement dated 06.02.2023 has been executed by the land owners. The petitioner would submit that they are attempting to alienate the property to third parties, thereby constraining the petitioner to file this Writ Petition.



W.P.No.34266 of 2024

7. Heard the learned counsels on the either side and perused the records.

8. A mere perusal of the affidavit and the arguments clearly indicate that it is a private dispute. The petitioner cannot approach this Court exercising jurisdiction under Article 226 of the Constitution of India, to settle the private dispute. There is no allegation made against the statutory authorities that they have failed to exercise / perform their statutory duties.

9. Therefore, the Writ Petition is dismissed. No costs.

22.11.2024

Index : Yes/No
Internet : Yes/No
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W.P.No.34266 of 2024

To

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