

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.16187 of 2015

and

M.P.Nos.1 and 2 of 2015

A.S.Amsanathan

.. Petitioner

vs

1.Inspector General of Registration
Inspector General of Registration
Departments
Santhome High Road
Chennai 600 028

2.The District Registrar (Administration)
Deputy/Assistant Inspector General
of Registration
Vellore

3.The Sub Registrar
Ambur Sub Registrar Office
Ambut, Vellore District 635 802

4.N.Chandran

5.P.V.Vasundhara

6.Dr.P.V.Sunil Kumar

7.P.V.Gopala Krishnan

8.M.Deepa

9.M.Megala

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the entire records relating to the impugned sale deeds vide Document No.1197/2005 dated 18.4.2005, Document No.5868/2014 and 5869/2014 dated 21.8.2014, registered by the third respondent, quash the same and consequently, directing the third respondent to delete the impugned sale deeds within a time frame.

For Petitioner : Mr.T.Karunakaran

For Respondents : Ms.P.Rajalakshmi
Government Advocate
for RR1 to 3

ORDER

By consent, the writ petition itself is taken up for final disposal.
<https://hcservices.ecourts.gov.in/hcservices/>

2.The petitioner claims that he borrowed a sum of Rs.1 lakh from one P.Nirmal Kumar agreeing to pay the same with 48% interest, for the purpose of putting a new bore-well to increase the yield of water and the said person while lending the money, has obtained an agreement of sale only for the purpose of taking his property as a collateral security and it was also registered as Document No.1466/2003 on 6.6.2003. The petitioner would further state that since the interest claimed, was usurious and exorbitant, he is not in a position to pay neither the interest, nor the principal to Nirmal Kumar and in the meanwhile, the petitioner's son entered into a contract for commercial supply of water to another company and he has also received a sum of Rs.50,000/- towards advance. The petitioner would further state that the fifth respondent's deceased husband has also come forward to help the petitioner by advancing a sum of Rs.1 lakh with interest at the rate of 24% per annum and the petitioner, after receipt of the same, had settled the said amount in favour of P.Nirmal Kumar, and the agreement of sale was also cancelled vide registered Document No.3317 of 2003 on 30.12.2003, and the husband of the fifth respondent got an agreement of sale as collateral security of the very same property, which is registered as Document No.27/2004 dated 30.12.2003, and subsequently, the petitioner's son could not be traced, which resulted in a case registered in FIR No.242/2005 by Omerabad Police Station, and the husband of the fifth respondent has issued a legal notice and in the interregnum, the husband of the fifth respondent managed to get an ex-parte decree in O.S.Nos.49 of 2006 and 53 of 2006, on the file of the Court of District Munsif at Ambur, and also levied execution.

3.The petitioner would further state that subsequently, his son returned and both of them decided to cancel the agreement of sale dated 30.12.2003, executed in favour of the husband of the fifth respondent, and in the interregnum, he came to know that the fourth respondent has registered the impugned sale deed dated 18.4.2005, in favour of the fifth respondent's deceased husband, before the third respondent. The petitioner has also submitted a representation to cancel the impugned sale deeds and since he has not been favoured with any kind of response, came forward to file this writ petition to cancel the impugned sale deeds.

4.Mr.T.Karunakaran, learned Counsel appearing for the petitioner, would submit that the registration of the sale deeds is contrary to the provisions of the Registration Act and the husband of the fifth respondent by indulging in illegal acts, managed to get the sale deeds and hence, prays for setting aside the said sale deeds.

5.Per contra, Ms.P.Rajalakshmi, learned Government Advocate, who accepted notice on behalf of the respondents 1 to 3, would submit that the prayer sought by the petitioner, cannot be granted and it can be done only by a competent civil forum and prays for dismissal of the writ petition.

6. In response to the said submission, the learned Counsel appearing for the petitioner, would submit that it would suffice to direct the second respondent to consider and dispose of the

petitioner's representation dated 30.9.2014, as the first respondent has forwarded the same to him.

7.This Court, taking into consideration the above submissions and without going into the merits of the claim projected by the petitioner, directs the second respondent to consider and dispose of the petitioner's representation dated 30.9.2014, in accordance with law, after putting on notice, the respondents 4 to 9, within a period of three months from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the above said persons. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

nsv

To:

- 1.The Inspector General of Registration
Inspector General of Registration
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Santhome High Road
Chennai 600 028
- 2.The District Registrar (Administration)
Deputy/Assistant Inspector General
of Registration
Vellore
- 3.The Sub Registrar
Ambur Sub Registrar Office
Ambur, Vellore District 635 802

1 cc to Government Pleader, Sr. 28119
3 ccs to M/s.T. Karunakaran, Advocate, Sr. 27429

W.P.No.16187 of 2015

SAI (CO)
kk 18/6