

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.6052 of 2015

C.Mahalakshmi

... Petitioner

vs.

1. The Sub- Registrar,
Mylapore Sub Registrar Office,
100, Santhome High Road,
Chennai - 600 004

2. Varadharaj

3. A.P.Anburaj

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing 1st respondent to consider the petitioner's representation dated 31.10.2014 and pass appropriate orders, more particularly to cancel the sale deed no.847/2014 dated 20.03.2014 on the file of the 1st respondent executed by the 3rd respondent in favour of the 2nd respondent.

For Petitioner : Mr.K.Sathishkumar

For Respondents : Mr.S.Gunasekaran for R1

Government Advocate

No appearance for R2 and R3

ORDER

Heard Mr.K.Sathishkumar, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for the 1st respondent. With the consent of either side, Writ Petition itself is taken up for final disposal at the admission stage.

2. The petitioner has filed this Writ Petition praying to issue a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 31.10.2014 and to cancel the sale deed document no. 847/2014.

3. In the light of the direction this Court proposes to issue in this Writ Petition, notice to the 2nd and 3rd respondents is

dispensed with. According to the petitioner, the document in question is a fraudulent transaction and the Sub-Registrar, Chennai ought not to have accepted the document for registration. Therefore, the petitioner has submitted a representation to the 1st respondent on 31.10.2014 to cancel the said document and such representation is still pending.

4. It is to be pointed out that Sub-Registrar, is not empowered to cancel the registered instrument, further, such power has been granted to the District Registrar by the Circular No.67, issued by the Inspector General of Registration.

5. In the light of the above, there shall be a direction to the 1st respondent to consider the petitioner's representation dated 31.10.2014 after issuing notice to the petitioner as well as respondents 2 and 3 and after hearing the parties, pass necessary orders/recommendations and place the papers before the District Registrar of the concerned area and such exercise shall be complied with within a period of three months from the date of receipt of copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ssd

To

The Sub- Registrar, सतयमेव जयते
Mylapore Sub Registrar Office,
100, Santhome High Road,
Chennai - 600 004

1 cc to Mrs.P. Mahalakshmi, Advocate, Sr. 12632
1 cc to Government Pleader, sr. 12586

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