



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 10.06.2016
CORAM

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD)No.5106 OF 2014 & M.P(MD)No.1 of 2014

K.G.Anuradha

..Petitioner

.vs.

1.The Inspector General of Registration,
No.100, Santhome High Road, Chennai.

2.The Deputy Registrar General,
Madurai Zone, Jawans Bhavan, Near Theatre Regal,
Madurai.

3.The District Registrar,
Madurai South Registration,
Palace Road, Madurai-2.

4.K.N.Ganesan

5.P.Jeyaprakash

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent to cancel the Sale Deed dated 12.04.2012 in Document No.1491 of 2012 as obtained by fraud on the basis of the petitioner's representation dated 04.06.2013 and pass further orders as this Court may deem fit and proper.

For Petitioner :Mr.T.Vaidvelan

For Respondents :Mr.S.Sadash Kumar

Addl.Govt.Pleader for R1 to R3

ORDER

The petitioner has filed this Writ Petition for a Writ of Mandamus to direct the third respondent to cancel the Sale Deed dated 12.04.2012 in Document No.1491 of 2012 as obtained by fraud on the basis of the petitioner's representation, dated 04.06.2013.

2. It is the case of the petitioner that the petitioner and her husband purchased the landed property in Survey No.97/4 at Maruthupandiyar Cross Street, Thirunagar, Madurai, by a sale deed, dated 26.03.1990. Though the petitioner admitted that the property was purchased in the name of her husband, she contended that the funds were provided by her out of her own earning. The



petitioner has also admitted that her husband has sold the property in favour of the fifth respondent. It is, in this context, she has given a representation before the official respondents, to cancel the sale deed, dated 12.04.2012, alleging that the said sale deed has been obtained by fraud.

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3. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

4. From the reading of the affidavit filed in support of the writ petition, the materials produced before this Court and the representation given by the petitioner to the official respondents, it can be seen that the petitioner raised a dispute with regard to the title of the respondents 4 and 5. The petitioner admitted that the property in dispute was originally purchased in the name of the fourth respondent, the petitioner's husband. The petitioner's further contention about her claim of title cannot be considered, at this stage, either by this Court or by the Registering authority. Hence, this Court is not inclined to give any direction as prayed for, in this writ petition. Hence, the writ petition is dismissed with a liberty to the petitioner to approach the civil Court for appropriate relief in accordance with law. No costs. Consequently, the connected Miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

gsr

To

1.The Inspector General of Registration,
No.100, Santhome High Road, Chennai.

2.The Deputy Registrar General,
Madurai Zone, Jawans Bhavan, Near Theatre Regal,
Madurai.

3.The District Registrar, Madurai South Registration,
Palace Road, Madurai-2.

+1CC to Mr.T.Vadivelan, Advocate Sr.No.29550

GJM/SK/SKN/20.6.16-2p-5C

W.P (MD) No.5106 OF 2014

10.06.2016