



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2016

CORAM:

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.6139 of 2016

and

W.M.P(MD)No.8597 of 2016

1.V.Gurusamy

2.T.Thandilangam

... Petitioners

Vs.

1. The Inspector General of Registration,
Santhome Road, Chennai.

2. The Deputy Inspector General of Registration,
Jawans Building, Madurai.

3. The District Registrar (Administration),
District Registrar Office,
1A, Thirupathur Road,
Sivagangai, Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order made in Na.Ka.No.691/E/2016, dated 02.03.2016 issued by the third respondent and quash the same and consequently direct the third respondent to complete the enquiry on the basis of the representation of the petitioners, dated 01.03.2016 as per circular No.67 dated 03.11.2011 issued by the first respondent after giving opportunity to the writ petitioners within the time stipulated by this Court.

For Petitioners

: Mr.N.Madhavagovindan

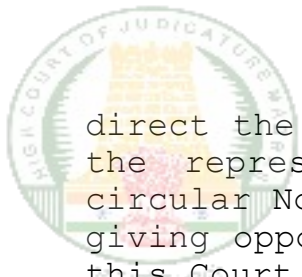
For Respondents

: Mr.N.S.Karthikeyan

Additional Government Pleader

ORDER

This Writ Petition is filed seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order made in Na.Ka.No.691/E/2016, dated 02.03.2016 issued by the third respondent and quash the same and consequently



direct the third respondent to complete the enquiry on the basis of the representation of the petitioners, dated 01.03.2016 as per circular No.67 dated 03.11.2011 issued by the first respondent after giving opportunity to the petitioners within the time stipulated by this Court.

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2.The petitioners challenging the order passed by the third respondent/District Registrar refusing to entertain their application filed to cancel the sale deed under Circular No.67, dated 03.11.2011.

3.According to the petitioners, they are the owners of the property and one Ramamoorthy sold the property in favour of Abdul Kadar and he also executed a sale deed, which was registered.

4.The learned counsel for the petitioners submits that even though the name of the said Ramamoorthy was found place in the patta issued under UDR scheme, subsequently, on his representation, by an order, dated 13.02.2014, the District Revenue Officer recommended the name of the petitioners. Hence, it is clear that the said Ramamoorthy has no right over the property and he fraudulently executed a sale deed without their knowledge. Hence, the petitioners filed an application on 01.03.2016.

5.Heard the learned counsel for the petitioners and the learned counsel for the respondents.

6.On perusal of the records, it is clear that on the date of execution of sale deed, namely 17.03.2008, the name of the said Ramamoorthy was found place in the patta issued in UDR scheme. Thereafter, on the representation made by the petitioners, his name was removed from the patta on 13.02.2014 and on the date of executing the sale deed his name was also found place in UDR scheme. Hence, there is no irregularity in the order passed by the third respondent refusing to entertain their application to cancel the sale deed and there is no merit in this Writ Petition. Accordingly, the Writ Petition is dismissed. However, if the petitioners have any grievance regarding the sale of the property, it is always open to them to approach the competent forum for redressal of their grievance. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar



To

1. The Inspector General of Registration,
Santhome Road, Chennai.

2. The Deputy Inspector General of Registration,
Jawans Building, Madurai.

3. The District Registrar (Administration),
District Registrar Office,
1A, Thirupathur Road,
Sivagangai, Sivagangai District.

+ 1 CC TO Mr.N.MADHAVAGOVINDAN, ADVOCATE IN SR No. 59408

PS

TE/SK-SKN : 19/10/2016 : 3P/5C

W.P (MD) No.6139 of 2016
and W.M.P (MD) No.8597 of 2016
05.10.2016