



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2016

CORAM:

THE HONOURABLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.890 of 2016

N.Eskin Kersone

... Petitioner

Vs.

1.The Registrar (Administration),
District Registrar Office,
Dindigul.

2.K.Thandapani
3.K.Kanagaraj
4.B.Kalaiselvi
5.P.Pandi

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order in No.5430/AA3/2015, dated 10.09.2015 passed by the 1st respondent, quash the same, further directing the 1st respondent to cancel the fraudulent deed made between the respondents 2 to 5 award costs.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.M.Murugan, G.A.for R1

O R D E R

This Writ petition is filed challenging the order of the 1st respondent dated 10.09.2015, wherein and whereby, the petitioner's request for cancellation of a registered agreement of sale was rejected on the ground that only the parties to the document alone should come and execute another document of cancellation of the agreement.

2.The grievance of the petitioner is that when he is the owner of the property in dispute, the respondents 2 to 4 claiming themselves to be the owner, have executed an agreement of sale in favour of the 5th respondent. It is the further case of the petitioner that though it is a time barred agreement, they seek to execute a sale deed, which the registering department should not permit.

3.In my considered view, all the above contentions raised would only show that it is purely a civil dispute between the petitioner and the respondents 3 to 5, in respect of title to a property, which has to be raised and agitated only before the competent Civil Court, if the petitioner has got any right over the property as claimed by him.



4. Needless to say that the registering authority is not empowered to go into the title to the property. Therefore, I find no grounds to interfere with the orders passed by the first respondent.

5. Accordingly, the writ petition is dismissed, however, by granting liberty to the petitioner to agitate the matter before the competent Civil Court, in the manner known to law. No costs.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub-Assistant Registrar

To

The Registrar (Administration),
District Registrar Office, Dindigul.

nbj
RL/2C/AAL/MPA/9/2/2016

WP (MD) No. 890 of 2016
18/01/2016