

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.8680 of 2017

Veronica Thomas

... Petitioner

Vs.

1.The Sub Registrar,
Office of the Registrar Court of Registration,
Mylapore, Chennai - 600 004.

2.Joseph John Cletus Sandy

3.R.Sagayadoss

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 1st respondent to declare that the Sale Deed document No.2288 of 1998 dated 18.11.1998 (20.11.1998) as sham and nominal and null and void in the eye of law which was made by the respondents 2 & 3 in respect of the property at Door No.23/49, Periapalli Street, R.A.Puram, Chennai - 600 028 Survey No.4465 part on account of the finality reached in Civil dispute between the petitioner and the 2nd respondent in Civil Appeal Nos.2178 & 2179 of 2004 dated 12.03.2014 by the Hon'ble Supreme Court of India.

For Petitioner : Mr.G.Poonkundran

For Respondents: Mr.S.Navaneethan,
Additional Government Pleader (R1)

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O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the 1st respondent to declare that the Sale Deed document No.2288 of 1998 dated 18.11.1998 (20.11.1998) as sham and nominal and null and void in the eye of law which was made by the respondents 2 & 3 in respect of the property at Door No.23/49, Periapalli Street, R.A.Puram, Chennai - 600 028 Survey No.4465 part on account of the finality reached in Civil dispute between the petitioner and the 2nd respondent in Civil Appeal Nos.2178 & 2179 of 2004 dated 12.03.2014 by the Hon'ble Supreme Court of India.

2.Mr.S.Navaneethan, learned Additional Government Pleader taking notice for the 1st respondent submitted that the Writ Petition filed by the petitioner is not maintainable for the reason that the dispute between the petitioner and the respondents 2 & 3 can be agitated before a Competent Civil Court.

3.I fully agree with the submission made by the learned Additional Government Pleader appearing for the 1st respondent and the prayer sought for in the Writ Petition is to declare the Sale Deed dated 18.11.1998 as sham and nominal. The dispute between the petitioner and the respondents 2 & 3 is a matter for evidence and the same cannot be decided in this Writ Petition under Article 226 of the Constitution of India.

4.In these circumstances, I do not find any merits in the Writ Petition. The Writ Petition is dismissed. However, it is open to the petitioner to challenge the Sale Deed dated 18.11.1998 in accordance with law before the Competent Civil Court. No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

va

To

1.The Sub Registrar,
Office of the Registrar Court of Registration,
Mylapore, Chennai - 600 004.

+1cc to Mr.G.Poonkundran,Advocate sr.22583

+1cc to Government Pleader sr.22803

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br(co)

ss(21/4/2017)