

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2017

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.31783 of 2017

P.Moorthy Raman

..Petitioner

vs.

1. The District Registrar,
Red Hills Taluk,
Thiruvallur District,
Thiruvallur.

2. The Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai.

3. The Sub-Registrar,
Red Hills Taluk,
Thiruvallur District,
Thiruvallur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents One, two and Three to cancel all the subsequent sale deeds registered prior to and after the date of purchase by the petitioner on 23.11.2001 in the encumbrance certificate as well as in the record books maintained by the registration authorities and delete the Fraudulent entries from Serial Nos. 2,3,4 and 5 in the encumbrance certificate pertaining to all that piece and parcel of land 4800 square feet in North Chennai Registration District, Red Hills Sub Registrar's Registration District in Tiruvellore District in Ambathur area, within Puzhal Panchayat Union within the Limited Kirtha Kiryampattu No.10, Palavayal Village, Nansei Survey No.1, 2/1, 86/3 in Poompuhvar Plot surrounded in the east to west in Northern direction 120 Feet, east to west in Southern direction 120 feet, South to North in Eastern Direction 40 feet and South to North in Western Direction 40 feet all totaling 4800 square feet of empty lands in Plot Nos. 36 and 37 with Boundaries in North by 30 feet Road, South by Plot Nos. 55,56, 57 East by Ponneri Village limits, West by Plot No.38 in accordance with law within a time to be stipulated by this Court.

For Petitioner : Mr.S.Siva Shankar
For Respondents : Mr. P.Senthilvel,
Government Advocate.

O R D E R

Mr.P.Senthilvel, learned Government Advocate takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal.

2. The petitioner seeks for a Mandamus directing the respondents 1 to 3 to cancel all the subsequent sale deeds registered prior to and after the date of purchase by the petitioner on 23.11.2001 in the encumbrance certificate as well as in the record books maintained by the registration authorities and delete the Fraudulent entries from Serial Nos. 2, 3, 4 and 5 in the encumbrance certificate.

3. Heard both sides.

4. It is seen that the petitioner who claims to have purchased the subject matter property on 23.11.2001 from his vendor, is aggrieved against the subsequent sale deeds as well prior sale deeds executed in respect of the said property by claiming that those sale deeds were executed fraudulently. If the petitioner claims to be the owner of the property in pursuant to the sale deeds executed on 23.11.2001 and feel aggrieved against the some other sale deeds pertaining to the very same property, it is for the petitioner to agitate his right before the competent Civil Court by filing appropriate Civil Suit and not by filing the present Writ Petition, that too, with such vague prayer without even impleading proper parties as respondents in whose favour the disputed sale deeds were executed. No doubt, the learned counsel for the petitioner sought to rely upon a circular dated 03.11.2011 in support of the present writ petition. The fact remains that the said circular dated 03.11.2011 was already withdrawn by a recent order passed by the Inspector General of Registration in order dated 20.10.2017. Therefore, I find that the present writ petition is not maintainable. Accordingly, the same is dismissed without expressing any view on the merits of the contentions raised by petitioner, however, by granting liberty to the petitioner to agitate the matter before the competent Civil Court. No costs.

Sd/-

Assistant Registrar(CS-)

//True Copy//

Sub Assistant Registrar

vsi

To

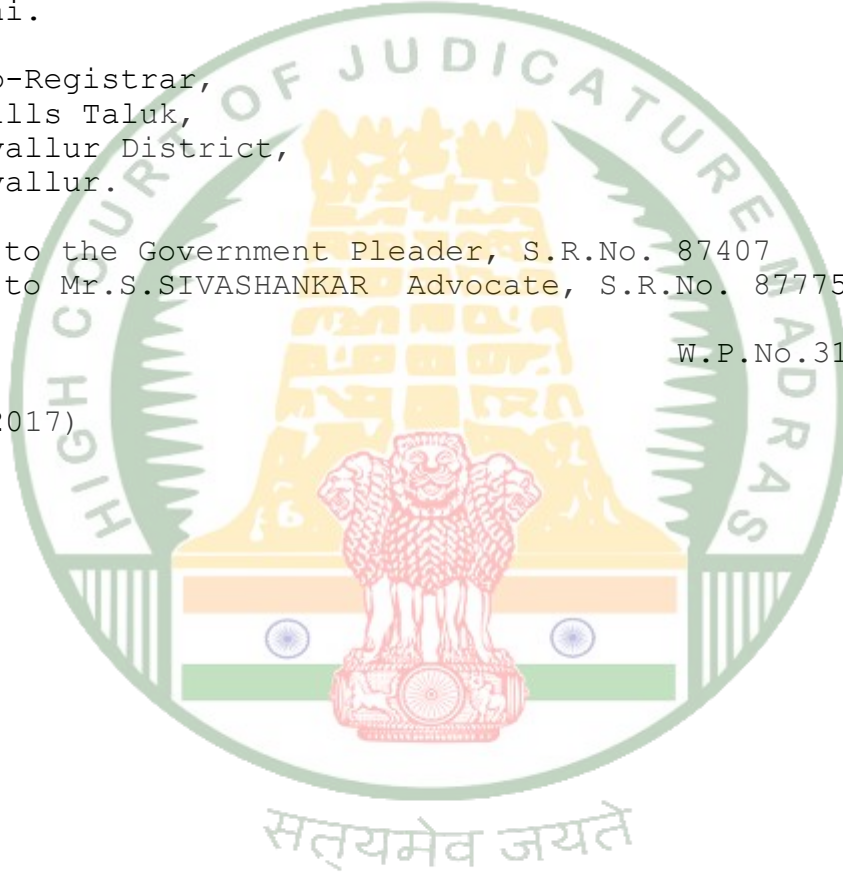
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+1cc to the Government Pleader, S.R.No. 87407

+1cc to Mr.S.SIVASHANKAR Advocate, S.R.No. 87775

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TR(19/12/2017)



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