

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.33444 of 2017

V.Pichakannan

.... PETITIONER

Vs

1. The District Registrar,
Salem East District Register Office,
Ramasundaram Street,
Singamathi, Ammapattai,
Salem District 636 003.
2. The Sub Registrar,
Sub-Register Office,
Attur Taluk,
Salem District.
3. M.Sreetharkumar
4. S.Rajalakshmi

.... RESPONDENTS

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus to direct the respondents herein to consider the representation dated 10.09.2017 and the reminder representation dated 28.11.2017 to cancel the document bearing Document No.1516 of 2017 bearing S.No.406/1, to the extent of 2.84 acres, S.No.409/4 to the extent 0.69 acres and S.No.410/1 to the extent of 0.39 (1/2) acres totally = 3.92 (1/2) acres, which is situated in Narasingapuram Village, Attur Taluk, Salem District within a time frame fixed by this Court.

For Petitioner : Mr.A.Rajakumar
For Respondents : Mr.K.J.Sivakumar
Government Advocate

O R D E R

This writ petition is filed seeking for a mandamus directing the second respondent herein viz., the Sub Registrar, Sub Registrar Office, Athur Taluk, to consider the representation of

the petitioner dated 10.09.2017 and reminder dated 28.09.2017 and to cancel the document bearing Registration No.1569/17 in respect of the subject matter property.

2.Heard the learned counsel for the petitioner.

3.The document sought to be cancelled is admittedly an agreement of sale, which was registered before the second respondent. The respondents 3 and 4 are the agreement holders. The grievance of the petitioner is that these agreement holders have not acted upon the agreement and therefore, the said document has to be cancelled. In other words, the contention of the petitioner is that a party to the agreement viz., the respondents 3 and 4 have not performed their part of the contract. If that be the case of the petitioner, I wonder as to how the petitioner could go before the Registering Authority, who has only registered the document and seek for cancellation of the same, without resorting to the remedy available under the Civil law either to seek for specific performance of the agreement or to take action to cancel the agreement already executed, in a manner known to law. The petitioner appears to have not resorted either of such course so far. Instead he made the above representations before the second respondent and as they were not considered, he filed the present writ petition seeking for the above relief.

4.Based on the above stated facts and circumstances, I consider that the attempt of the petitioner in making such representation and consequential filing of the present writ petition are totally misconceived. Hence, the writ petition is dismissed as not maintainable, however, by granting liberty to the petitioner to work out his remedy in a manner known to law. No costs.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

vri

To

1. The District Registrar,
Salem East District Register Office,
Ramasundaram Street,
Singamathi, Ammapattai,
Salem District 636 003.

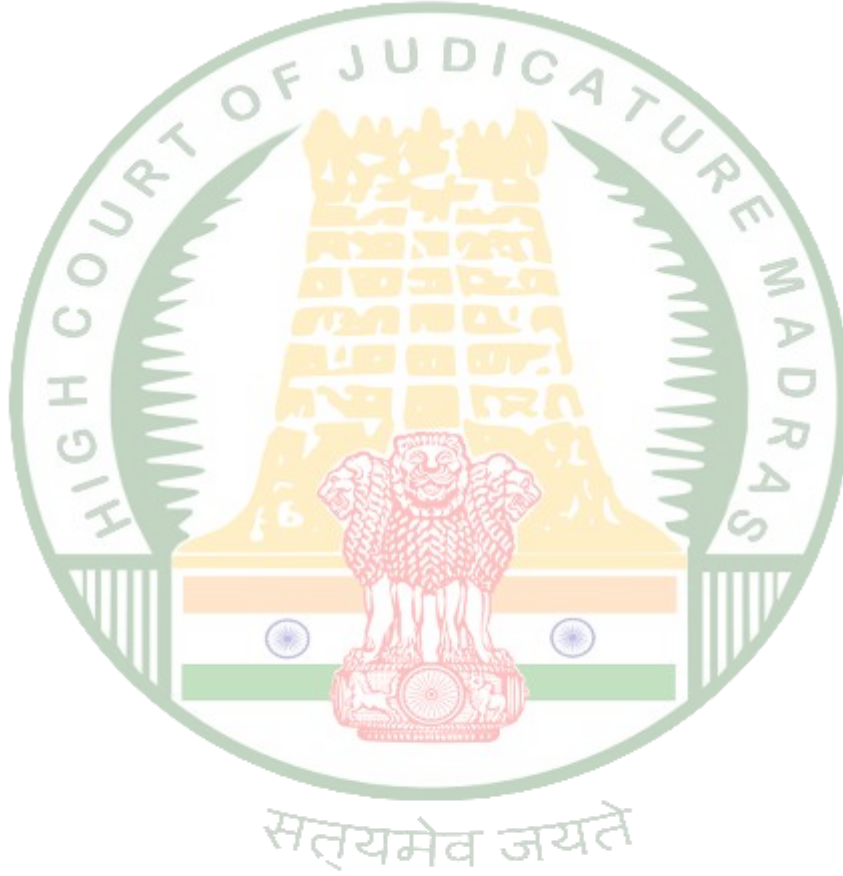
2. The Sub Registrar,
Sub-Register Office,
Attur Taluk,
Salem District.

+1cc to Mr.A.Rajakumar, Advocate, S.R.No.91622

+1cc to the Government Pleader, S.R.No.92147

W.P.No.33444 of 2017

CS/10/01/18



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