

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2017

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THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.19480 of 2017

F.R.Basheer Ahamed

[Petitioner]

Vs

1. Inspector General of Registration,
Santhome High Road,
Santhome, Chennai 28.
2. The Sub Registrar,
Office of the Sub Registrar,
Triplicane, Chennai 14.
3. S.Mohamed Ramal
4. S.Jainulabeen
5. M.Imam Shariff
6. A.Noor Mohammed
7. S.Srinivasa Rao

[Respondents]

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 1st respondent to consider the petitioner's petition dated 21.06.2017 and pass order in cancelling entry of the sale deed dated 14.10.2011 registered as document number 1155/11 in the office of the Sub Registrar, Triplicane within a time limit.

For Petitioner : Mr.R.Balachanderan

For Respondents : Mr.Era Premnath, GA(R1&2)

O R D E R

Mr.Era Premnath, learned Government Advocate, takes notice for the respondents 1 and 2. By consent, the main writ petition itself is taken up for hearing at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a writ of mandamus directing the 1st respondent to consider his petition dated 21.06.2017 and pass orders in cancelling the entry of the sale deed dated 14.10.2011 registered as document number 1155/11 in the office of the Sub

Registrar, Triplicane, within a time frame.

3. The learned counsel appearing for the petitioner submitted that when the earlier two sale deeds were set aside by a competent Civil Court, the respondents 3 to 7 have executed another sale deed dated 14.10.2011 in Document No.1155 of 2011. In order to set aside the said sale deed dated 14.10.2011, the petitioner filed a Civil Suit in O.S.No.1858 of 2012 on the file of the III Assistant Judge, City Civil Court, Chennai. According to the learned counsel for the petitioner, the said suit is under the trial stage.

4. Since the petitioner had opted to file a Civil Suit to cancel the sale deed dated 14.10.2011, I am of the view that the present writ petition cannot be entertained. However, a direction can be given to the trial Court to dispose of the suit in accordance with law, within a time frame.

5. Accordingly, I direct the III Assistant Judge, City Civil Court, Chennai, to dispose of the suit in O.S.No.1858 of 2012, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. It is open to the petitioner to raise all the pleas before the trial Court, in accordance with law.

With these observations, the writ petition is closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. Inspector General of Registration,
Santhome High Road,
Santhome, Chennai 28.

2. The Sub Registrar,
Office of the Sub Registrar,
Triplicane, Chennai 14.

3. The III Assistant Judge,
The III Assistant City Civil Court,
Chennai.

+1 cc to Mr.R.Balachandran Advocate sr 54148
+1 cc to the Government Pleader sr 54906

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