

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.10.2017

CORAM

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

Writ Petition No.32212 of 2012

and M.P.No.2 of 2012

and M.P.No.1 of 2015

1.Vasanthi

2.K.Subrayan

.... Petitioners

vs.

1.The Inspector General of Registration
Chennai-600 028

2.District Registrar
Namakkal

3.Manoharan

4.K.M.Paramasamy

.... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the impugned circular of the 1st respondent dated 03.11.2011 (C.No.52338/C1/2011) and the order of the 2nd respondent in proceedings in Na.Ka.No.2326/A1/2012 dated 23.07.2012, to quash the same.

For Petitioner : Mr.S.Kalyanaraman

For Respondents : Mr.R.Vijayakumar,
Addl.Govt.Pleader for R1 and R2
Mr.V.Virumandi for
Mrs.S.Radha Gopalan
for R3 and R4.

ORDER

(Order of the Court was made by A.SELVAM, J.)

This Writ Petition has been filed under Article 226 of the Constitution of India, praying to call for records relating to the order passed by the 2nd respondent in Na.Ka.No.2326/A1/2012 dated 23.07.2012, in pursuance of Circular No.67 dated 03.11.2011 and quash the same by way of issuing a Certiorarified Mandamus.

2. The learned counsel appearing for the petitioners has advanced his arguments to the effect that in the year 2010, the petitioners have purchased the properties in question from Jayarani and Devaki and since then the petitioners are enjoying the same as absolute owners. The 3rd and 4th respondents have purchased the properties in question from the persons who are not having any appropriate interest or title over the suit property. But the 2nd respondent in pursuance of Circular No.67 dated 03.11.2011 has erroneously annulled the sale deed which stands in the names of the petitioners and therefore, the order passed by the 2nd respondent is liable to be quashed.

3. The learned counsel appearing for respondents 3 and 4 has also equally contended to the effect that the respondents 3 and 4 have purchased the property in question from the rightful owner and since the petitioners are not having any appropriate title by virtue of their sale deed, the 2nd respondent has rightly annulled the same and therefore, the order passed by the 2nd respondent need not be quashed.

4. The learned Additional Government Pleader has submitted a copy of Circular dated 20.10.2017 issued by the Government of Tamil Nadu, wherein, it is clearly stated that the Circular No.67 dated 03.11.2011 has already been withdrawn.

5. The main contention put forth on the side of the petitioners is that only in pursuance of Circular No.67 dated 03.11.2011, the 2nd respondent has annulled the sale deed, which stands in the names of the petitioners.

6. In the instant case, both the petitioners and the respondents 3 and 5 have claimed title to the property in question through various persons. Considering the dispute between the petitioners and the respondents 3 and 4, this court is of the view that for clinching the issue, both parties have to approach civil forum and further as mentioned supra, the 2nd respondent has annulled the sale deed which stands in the name of the petitioners only in pursuance of Circular No.67 dated 03.11.2011 and the same has also been withdrawn and therefore, the petitioners are entitled to get the relief sought for.

In fine, this Writ Petition is allowed without costs. The order passed in Na.Ka.No.2326/A1/2012 dated 23.07.2012 by the 2nd respondent is quashed. However, both the petitioners and the respondents 3 and 4 are directed to approach civil forum to redress their grievance. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The Inspector General of Registration
Chennai-600 028

2.District Registrar
Namakkal

+1 cc to M/s.S.RadhaGopalan Advocate sr 76495
+1 cc to Govt Pleader sr 76346
+1 cc to Mr.S.Kalyanaraman Advocate sr 75603

सत्यमेव जयते

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aa14/11/2017

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