

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.10.2017

CORAM

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

Writ Petition No.32424 of 2012
and M.P.No.2 of 2012

A.Prabhakaran Petitioner
Vs.

1.The Inspector General of Registration
Santhome High Road,
Chennai-600 028

2.The District Registrar
Department of Registration
Chengalpattu District, Chengalpattu

3.Dr.P.Balaji Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records comprised in proceedings bearing Pa.Mu.No.6207/B1/2011 dated 12.10.2012 on the file of the 2nd respondent and to quash the same and consequently direct the respondents 1 and 2 to restore the entries in the relevant indexes in respect of Document No.837/2003 dated 25.02.2003 on the file of the Sub-Registrar, Sriperumpudur as it stood prior to the date of impugned order dated 12.10.2012.

For Petitioner : Mr.K.Anbarasan

For Respondents : Mr.R.Vijayakumar,
Addl.Govt.Pleader for R1 and R2
Mr.S.Kasirajan for R3.

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 impugned order dated 12.10.2012 passed in Proceedings Pa.Mu.No.6207/B1/2011 by the 2nd respondent and consequently for directing the respondents 1 and 2 to restore the entries in relevant indexes in respect of Document No.837/2003 dated

25.02.2003, by way of issuing a Writ of Certiorarified Mandamus.

2. The learned counsel appearing for the petitioner has contended to the effect that the petitioner has purchased Survey No.717/4, Sriperumbudur Town Taluk, Kancheepuram District from one Baskaran and since then, he is in possession and enjoyment of the same. The 3rd respondent has given a representation to the 2nd respondent, wherein, it is stated to the effect that the sale deed stands in the name of the petitioner is nothing but a fraudulent document. The 2nd respondent has declared that the sale deed stands in the name of the petitioner is null and void by way of invoking Circular No.67 dated 03.11.2011 and in the said circumstances, the present Writ Petition has been filed for getting the reliefs sought therein.

3. Per contra, the learned counsel appearing for the 3rd respondent has equally contended to the effect that the 3rd respondent is the absolute owner of the property in Survey No.717/4. Both the petitioner and one Baskaran have concocted a sale deed in the name of the petitioner and the same has been challenged before the 2nd respondent. The 2nd respondent has rightly declared that the sale deed which stands in the name of the petitioner is null and void by way of passing the impugned order and the same does not require any interference.

4. In fact, this court has perused the impugned order passed by the 2nd respondent dated 12.10.2012. The 2nd respondent has proceeded only on the basis of Circular No.67 dated 03.11.2011 and ultimately declared that the sale deed which stands in the name of the petitioner is null and void.

5. It is an admitted fact that Circular No.67 dated 03.11.2011 has been subsequently withdrawn by the Government of Tamil Nadu by virtue of Circular dated 20.10.2017.

6. Further, it is an admitted fact that the 3rd respondent as Plaintiff has instituted suit in O.S.No.848 of 2008 on the file of District Munsif cum Judicial Magistrate Court, Sriperumpudur, for the reliefs of declaration and perpetual injunction, wherein, the present petitioner, his alleged vendor and others have been arrayed as defendants.

7. Considering the fact that with regard to title of Survey No.717/4, a suit has been filed before the concerned civil court and the same is pending and also considering that the impugned order passed by the 2nd respondent is purely based upon Circular no.67 dated 03.11.2011 and the same has been subsequently withdrawn, this court is inclined to pass the following order:-

In fine, this Writ Petition is allowed without costs. The impugned order dated 12.10.2012 passed in Pa.Mu.No.6207/B1/2011 by the 2nd respondent is quashed. However, it is made clear that both the petitioner and the 3rd respondent are directed to prove their rival title in respect of Survey No.717/4 mentioned in O.S.No.848 of 2008 pending on the file of District Munsif cum Judicial Magistrate Court, Sriperumpudur. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

nvsri

To

1.The Inspector General of Registration
Santhome High Road,
Chennai-600 028

2.The District Registrar
Department of Registration
Chengalpattu District, Chengalpattu

+1 CC to Ms.K. Anbarasan, Advocate sr 77528.

+1 Cc to Mr.S. Kasirajan, Advocate sr 77105.

Writ Petition No.32424 of 2012

RSI (CO)
SP(23/11/2017)

सत्यमेव जयते

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