

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

W.P.NO.31789 OF 2016 AND
WMP NO.27570 OF 2016

T.K.Purushothaman

... Petitioner

Vs

1.The District Registrar (Administration)
Villupuram.

2.Veerasami

3.Kolan

4.Manickan

5.Chinnapaiyan

6.Chockalingam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus, calling for the records of the first respondent in Na.Ka.No.4279/A 2015 dated 27.05.2016 and quash the same and direct the first respondent to cancel the Sale Deed registered as Document No.1042/2000 on the file of the 1st respondent.

For Petitioner : Mr.R.Sankaranarayanan
Senior Counsel for
Ms.K.Sumathi

For Respondents : Mr.S.N.Parthasarathi
Govt.Advocate for R1

O R D E R

The petitioner has filed the above writ petition, to issue a writ of Certiorarified Mandamus, to call for the records of the first respondent , dated 27.05.2016 and to quash the same and direct the first respondent to cancel the Sale Deed, registered as Document No.1042/2000 on the file of the 1st respondent.

2. It is the case of the petitioner that the respondents 2 to 5, who are in no way related to his land, had executed a Sale Deed conveying his property to the 6th respondent. In such circumstances, the petitioner gave a petition, to set aside the registration of the Sale Deed in favour of the 6th respondent, in the light of Circular No.67 dated 03.11.2011. The first respondent dismissed the petition and observed that the petitioner has to prove the impersonation by the respondents 2 to 5. Challenging the said order, the petitioner has filed the above writ petition.

3. It is also the case of the petitioner that the land measuring an extent of 2.97 acres in Karadi Village, Tirukovilur, comprised in Survey No.141, originally belonged to one Narayana Rao. In the partition held in the family of the said Narayana Rao on 12.06.1930, the property was allotted to the share of one Krishnanaji Rao. The said Krishnanaji Rao died intestate on 01.10.1957, leaving behind him his four sons, besides the petitioner as his legal heirs. The petitioner's brothers died as bachelors and the petitioner is the sole surviving heir of his father Krishnanaji Rao. In these circumstances, the petitioner has stated that he is the absolute owner of the property in Survey No.141 measuring an extent of 2.97 acres.

4. The first respondent considered the petition and found that the respondents 2 to 6 did not appear for the enquiry and ultimately dismissed the petition, giving liberty to the petitioner to approach the Civil Court for getting appropriate relief to set aside the Sale Deed executed by respondents 2 to 5 in favour of the 6th respondent.

5. On a perusal of the impugned order passed by the first respondent, it is clear that the first respondent has given liberty to the petitioner to approach the Civil Court, questioning the alienation made by respondents 2 to 5 in favour of the 6th respondent. Since the dispute raised by the petitioner is a matter for evidence, I am of the view that the petitioner should approach the Civil Court for getting appropriate relief.

6. In these circumstances, I do not find any error or irregularity in the order passed by the first respondent. The writ petition stands dismissed. It is open to the petitioner to

question the Sale Deed executed by the respondents 2 to 5 in favour of the 6th respondent before the appropriate Civil Court. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

svki

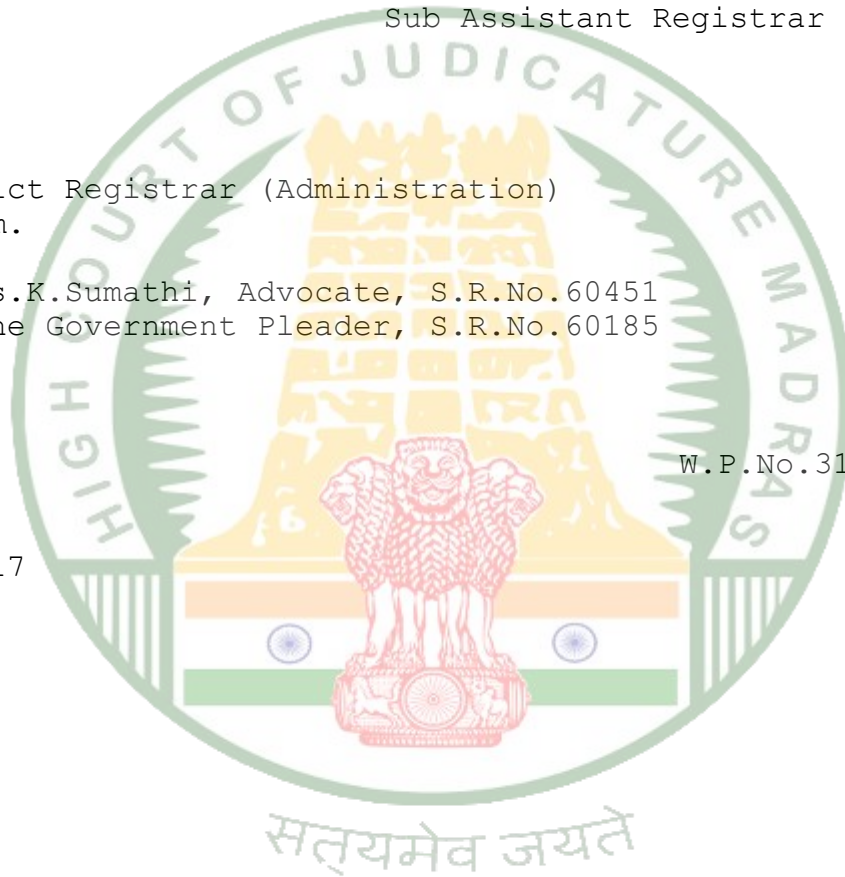
To

The District Registrar (Administration)
Villupuram.

+1cc to Ms.K.Sumathi, Advocate, S.R.No.60451
+1cc to the Government Pleader, S.R.No.60185

W.P.No.31789 of 2016

AR(CS IV)
CS/24/08/17



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