



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2017

CORAM

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THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) No.21799 of 2017

R.Sethuraman

... Petitioner

-Vs-

- 1.The Superintendent of police,
Sivagangai District,
Sivagangai.
- 2.The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai,
Sivagangai District.
- 3.The Tahsildar,
Kalaiyarkovil,
Sivagangai District.
- 4.The Village Administrative Officer,
Periyakiluvanchi Village,
Kalaiyarkovil Taluk,
Sivagangai District.
- 5.The Sub Registrar,
Kalaiyarkovil Registration Office,
Kalaiyarkovil,
Sivagangai District.
- 6.N.C.Vasudevan
- 7.Subramaniyan
- 8.Alagammai Chidambaram
- 9.Lakshmi Sevagan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to register the complaint and conduct the enquiry to take appropriate action against the third to ninth respondents regarding the bogus sale deed vide document Nos.288/2011 and 295/2011 dated 24.01.2011 by changing the petitioner's Patta vide Patta No.215 & 275 comprised in Survey Nos.38/2 and 35/4 with an extent of 0.64.50 Hectares - 1 Acre and 59 cents and 0.52.50



Hectares - 1 Acres 21 cents respectively into the bogus Patta No.453, consider on the basis of petitioner's complaint representation dated 03.11.2017 within time frame as fixed by this Court.

For Petitioner : Mr.R.Sundar
For Respondents 1 to 5 : Mr.D.Murugananthan
Additional Government Pleader

O R D E R

This petition is filed by the petitioner seeking issuance of a Writ of Mandamus, directing the first respondent to register the complaint and to conduct the enquiry to take appropriate action against the respondents 3 to 9 regarding the bogus sale deed vide document Nos.288/2011 and 295/2011 dated 24.01.2011 by changing the petitioner's Patta vide Patta No.215 & 275 comprised in Survey Nos.38/2 and 35/4 to an extent of 0.64.50 Hectares (1 Acre and 59 cents) and 0.52.50 Hectares (1 Acres 21 cents) respectively into the bogus Patta No.453 by considering the petitioner's complaint/representation dated 03.11.2017.

2.The learned counsel appearing for the petitioner stated that the petitioner is the owner of the property comprised in Survey Nos.38/2 and 35/4 measuring to an extent of 0.64.50 Hectares (1 Acre and 59 cents) and 0.52.50 Hectares (1 Acre 21 cents) respectively situated at Periyakiluvanchi Village, Sivagangai District. Though the petitioner claims ownership over the property, the petitioner himself has admitted that he executed a sale deed vide Document No.468/1996, dated 15.04.1996 to one N.C.Vasudevan, S/o.Rajagopal. It is further stated by the petitioner that the said sale deed in favour of the individual was for a sale consideration of Rs.33,600/- (Rupees thirty three thousand and six hundred). The case of the petitioner is that the petitioner had executed a cancellation deed vide Document No.1927/1996 in the same year of 1996 on the ground that the consideration mentioned in the sale deed was not paid. It is the contention in the complaint now lodged by the petitioner that the said N.C.Vasudevan, suppressing the cancellation of the original sale deed in his favour has created bogus patta and executed bogus sale deed on 24.01.2011 and another deed on 24.01.2011 by using the bogus power of attorney deed.

3.When the petitioner himself admits that he has executed a sale deed and the same was also registered, the conveyance is completed and the transferee has become the owner of the property. The unilateral cancellation of the sale deed either for want of sale consideration or for non-payment of sale consideration is not valid and cannot be done as this position is well settled by a number of decisions of this Court. It is open to the petitioner to approach the Civil Court for appropriate relief. Having regard to the nature of the allegations and the facts admitted by the Counsel, this court



is not inclined to entertain this petition. Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

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Sub Assistant Registrar

To:

1. The Superintendent of police,
Sivagangai District,
Sivagangai.
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3. The Tahsildar,
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Sivagangai District.
5. The Sub Registrar,
Kalaiyarkovil Registration Office,
Kalaiyarkovil,
Sivagangai District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 89886

+1cc to Mr. R. SUNDAR Advocate in SR. No. 89767

VSG/PNN

JS/KP/SAR.3/14.12.2017/3P-8C

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27.11.2017