



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.12.2017
C O R A M

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

W.P. (MD) No.23130 of 2017

Sagaya Edward Rajan

... Petitioner

Vs.

1. The District Registrar,
Office of District Registrar,
Tirunelveli District,
Tirunelveli.

2. The Sub Registrar,
Office of Sub Registrar,
Panakudi,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, directing the 1st respondent to cancel the sale deed dated 11.02.2002 executed in his favour vide document No.287/2002 on the file of the 2nd Respondent by considering the petitioner's representation dated 13.11.2017.

For Petitioner : Mr.S.R.Anbarasu
For Respondents : Mr.T.S.Mohamed Mohideen,
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Mr.T.S.Mohamed Mohideen, learned Additional Government Pleader, takes notice for the respondents.

3. According to the petitioner, the property in Survey Nos.1288/1, 1293, originally belongs to one, Alphonse Gomas, but, one, by name, Gladwin, along with Rajamarthandan, approached the petitioner and impersonated as if he was Alphonse Gomas, the owner of the property and made the petitioner to purchase the property, by sale deed in No.287/2002 dated 12.02.2002, who, in turn, executed deeds in favour of some third parties, in respect of the same property. On coming to know the above fact, the real Alphonse



Gomas, who is the original owner of the property, lodged a criminal complaint and at this stage only, according to the petitioner, he came to know about the foul play made on him. Thereafter, the third parties, in whose favour the petitioner had executed deeds, had cancelled the respective deeds and subsequent thereto, the petitioner has submitted a representation dated 13.11.2017, before the respondents to cancel the deed in No.287/2002, executed in his favour. As the same is kept pending, without any action, he is before this Court.

4. When the matter is taken up for hearing today, the learned Counsel for the petitioner submitted that it would suffice, if his representation dated 13.11.2017 is disposed of by the first respondent, on merits.

5. Considering the facts and circumstances of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without going into the merits of the petitioner's claim, directs the respondents, more particularly, the first respondent, to consider the representation of the petitioner dated 13.11.2017 and pass appropriate orders, on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as all the other interested parties, if any, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Registrar,
Office of District Registrar,
Tirunelveli District, Tirunelveli.

2. The Sub Registrar,
Office of Sub Registrar,
Panakudi, Radhapuram Taluk,
Tirunelveli District.

+ 1 cc TO The Special Government Pleader in SR No. 93366

gk

AE/SV MMS/SAR2/05.01.2018/2P/4C