

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.08.2018

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.20111 of 2018

D.Venkatesan

...Petitioner

vs.

- 1 The District Registrar
District Registrar Office
Kancheepuram District.
 - 2 The Sub Registrar
Sub Registrar Office, Thiruvallur
 - 3 D.Devadoss
 - 4 D.Siva
 - 5 D.Selvaraj
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 1st respondent and 2nd respondent for cancelling the registered forged document No.5160 of 2006, dated 30.05.2006 and subsequent documents created on the strength of Doc.No.5160 of 2006 in respect of the property in Survey No.739/5 measuring an extent of Acre 0-31 cents Survey No.435/3 measuring an extent of Acre 0-12 cents and Survey No.435/4 measuring an extent of Acre 0-17 cents by the respondents 3 to 5.

For Petitioner : Mr.C.Richard Suresh Kumar

For Respondents : Mr.T.M.Pappiah
Special Govt. Pleader - for R1 & R2

ORDER

Heard Mr.C.Richard Suresh Kumar, learned counsel appearing for the petitioner. Mr.T.M.Pappiah, learned Special Government Pleader, takes notice for the respondents 1 and 2. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents 1 and 2 to cancel the registered Document No.5160 of 2006, dated

30.05.2006 and subsequent documents created on the strength of Document No.5160 of 2006 in respect of the property in Survey No.739/5, measuring an extent of Acre 0-31 cents, Survey No.435/3, measuring an extent of Acre 0-12 cents and Survey No.435/4 measuring an extent of Acre 0-17 cents by the respondents 3 to 5.

3. The petitioner seeks to set aside the sale deed of the year 2006. When the parties to the documents represented before the District Registrar for cancelling the sale deed dated 30.05.2006, the District Registrar, passed an order dated 06.04.2015, declining to cancel sale deed and observed that the remedy open to the petitioner is to approach the Civil Court to get the sale deed cancelled.

4. In the present writ petition, the petitioner has only sought for a direction to the respondents 1 and 2 to cancel the document. He has not challenged the order passed by the District Registrar on 06.04.2015 in this writ petition. That apart, the District Registrar, has rightly observed that the remedy open to the petitioner is to challenge the sale deed before the competent Civil Court for getting the same cancelled.

5. In view of the same, the writ petition is devoid of merits and the same is dismissed. However, it is open to the petitioner to challenge the document before the competent Civil Court, in accordance with law, No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Rj
To

1 The District Registrar
District Registrar Office
Kancheepuram District.

2 The Sub Registrar
Sub Registrar Office, Thiruvallur

+lcc to Mr.H.Imthiaz Ahamed, Advocate, S.R.No.53648
+lcc to the Government Pleader, S.R.No.54770

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NMIII(CO)
GSP(20/08/2018)