

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9817 of 2018

Mrs.Amutha

W/o Seenu (alias) Thirupathi ..

Petitioner

-vs-

1. The Inspector General of Registration
No.100, Santhome High Road
Chennai 600 028

2. The District Registrar
Office of the District Registrar
Archaeological Road
Near Forest Department
Officer's Line, Vellore
Tamil Nadu 632 004

3. Mr.Mayan ..

Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records culminating in the impugned order dated 26.12.2017 in Na.Ka.No.10489/A1/2017 passed by the second respondent and quash the same as illegal, ultra vires, without any authority, without any sanction of law and issue a mandamus directing the second respondent to cancel the registration of the document dated 03.03.2010 bearing Document No.1470 of 2010, on the file of Sub Registrar Office, Vaniyambadi presented for registration by the writ petitioner in respect of the properties comprised in Survey No.270/1 in extent punjai acre 0.03 $\frac{3}{4}$, 250 sq.ft., Thumperi Village, Vaniyambadi Taluk, Vellore District.

For Petitioner :: Mrs.Auxilia Peter

For Respondents:: Mr.M.Thamizharasan
Government Advocate for R1 & 2

ORDER

This writ petition has been filed challenging the impugned order passed by the District Registrar, Vellore, the second respondent herein rejecting the request of the petitioner to cancel the sale deed registered by her own father on 3.3.2010, citing a reason that the civil suit filed by her father in O.S.No.6 of 2013 on the file of the Additional District Munsif Court, Vaniyambadi for declaration and permanent injunction was pending.

2. Learned counsel for the petitioner, producing the copy of the judgment and decree dated 17.12.2015 passed by the learned Additional District Munsif, Vaniyambadi in O.S.No.6 of 2013, submitted that the reason cited in the impugned order that the suit in O.S.No.6 of 2013 was pending, is wrong.

3. The said contention, no doubt, appears to be correct. But still the claim of the petitioner to direct the District Registrar, Vellore to cancel the sale deed dated 3.3.2010 registered in favour of the petitioner's father, the third respondent herein cannot be accepted. As mentioned above, the suit filed by the petitioner's father Mr.R.Mayan in O.S.No.6 of 2013 seeking a declaration and consequential injunction in respect of the same property was already decreed against the petitioner. Therefore, the petitioner cannot seek any remedy. Accordingly, this writ petition is dismissed. Consequently, W.M.P.No.11742 of 2018 is also dismissed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ss

To

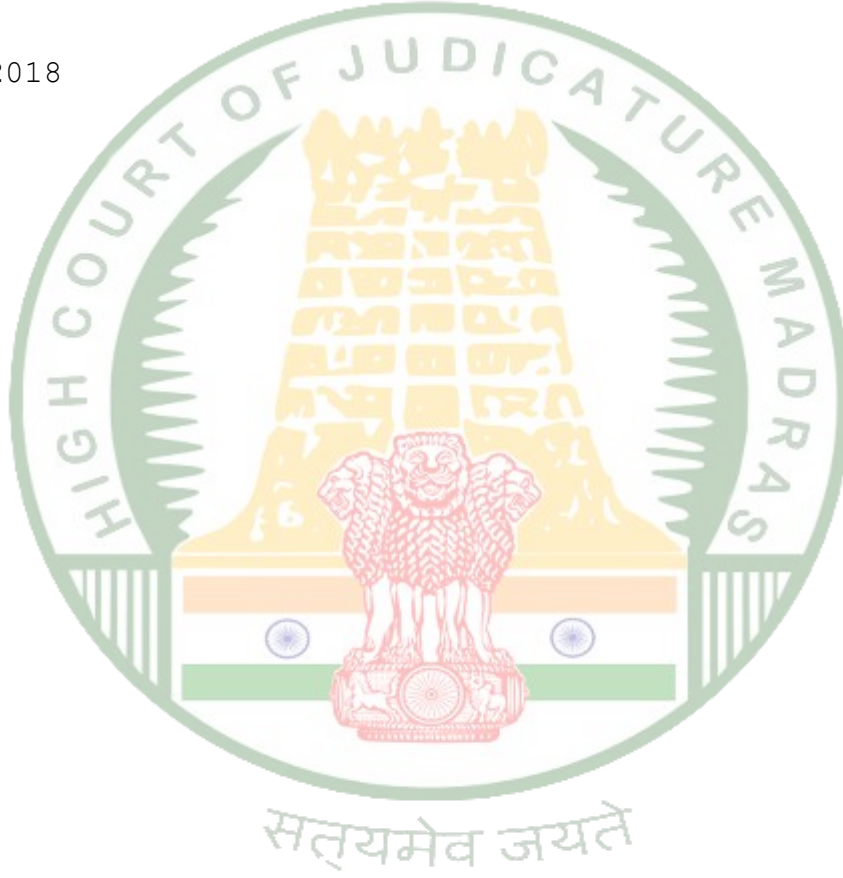
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+1cc to Mrs.Auxilia Peter, Advocate sr.no.30302
+1cc to Government Pleader in sr.no.30004

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rsi(co)
nr 16/05/2018



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