

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.09.2018
CORAM
THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P. No.23291 of 2018

R.Robert Pushparaj ... Petitioner

Vs

1. The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai-600 004.

2.The District Registrar,
Vellore Zone, Vellore.

3.The Sub-Registrar,
Kanniambadi Sub Registrar's Office,
Kanniambadi, Vellore District.

4.R.Venugopal

5.R.Selvamoorthy

6.A.Selvarasu ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the entire records of the third respondent pertaining to the Letter No.132/2018 dated 23.07.2018 and quash the same and consequently direct the third respondent to consider the petitioner's application dated 16.07.2018 received by the third respondent on 17.07.2018 and thereby permit the petitioner to cancel the Sale Agreement dated 15.07.2016 by unilaterally.

For Petitioner : Mr.A.Ramu

For Respondents : Mr.M.Thamizharasan,
Government Advocate
for R1 to R3

ORDER

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

2.The petitioner has come up with the present writ petition for a certiorarified mandamus challenging the Letter No.132/2018 dated 23.07.2018 issued by the third respondent and consequently directing the third respondent to consider his application dated 16.07.2018 received by the third respondent on 17.07.2018 and permit him to cancel the Sale Agreement dated 15.07.2016 by unilaterally.

3.The case of the petitioner is that he acquired the landed property comprised in Punjai Survey

No.51/1A to an extent of 0.79.50 Hectares i.e. 1.96 Acres in Old Survey No.111/1 in Patta No.1466 situated at Kanniambadi Village, Vellore Taluk and District through a registered Deed of Will dated 24.06.1988 on the file of the Sub Registrar, Vellore District/the third respondent herein, after demise of his father. During the course of enjoyment, he entered into a Sale Agreement dated 15.07.2016 with one R.Venugopal and others and thereby he received a sum of Rs.5,00,000/- as sale advance towards the sale consideration of Rs.1,54,84,000/-. Due to some untoward incidents, he returned the entire advance amount through three demand drafts and the same was acknowledged by respondents 4 to 6 on 19.09.2016. Despite acknowledgment, they did not come forward to cancel the above said Sale Agreement. Therefore, the petitioner made a representation dated 16.07.2018 to the third respondent to cancel the said Agreement. Finding no response, he is before this Court.

4.According to the learned counsel for the petitioner, the petitioner made a representation dated 16.07.2018 to the third respondent claiming the same relief as prayed in this writ petition, but, the same is yet to be disposed of by the respondents. However, the learned counsel submitted that it would suffice, if the said representation made by the petitioner is directed to be considered by the respondents, on merits.

5.Mr.M.Thamizharasan, learned Government Advocate taking notice for respondents 1 to 3, submitted that respondents 1 to 3 be directed to consider the petitioner's representation and pass orders, in accordance with law.

6.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents 1 to 3 to consider the representation dated 16.07.2018 made by the petitioner and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as any of the interested parties, within a period of six weeks from the date of receipt of a copy of this order.

7.Accordingly, this writ petition stands disposed of. No costs.

06.09.2018

Index: Yes/No

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To

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2.The District Registrar,
Vellore Zone, Vellore.

3.The Sub-Registrar,
Kanniambadi Sub Registrar's Office,
Kanniambadi, Vellore District.
R.MAHADEVAN, J.

vga

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