

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.14332 of 2018

S.M.H.Shiekh Mohamed

.. Petitioner

-vs-

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

2.The Sub Registrar,
Registration Department,
Virugambakkam, Chennai-600 092.

3.M.Muthukannan

.. Respondents

Prayer: Petition filed under Article 226 of the
Constitution of India, praying for issuance of a Writ of
Mandamus directing the respondents to cancel the Document
Nos.1006 to 1009 of 2017 registered on 01.03.2017.

For Petitioner : Mr.R.Krishnamoorthy

For Respondents: Mr.M.Thamizharasan,
Government Advocate
for R1 and R2

ORDER

This writ petition has been filed by the petitioner seeking a direction to the respondents to cancel the Document Nos.1006 to 1009 of 2017 registered on 01.03.2017.

2.The case of the petitioner is that he has acquired a landed property in S.F. No.91 situated at Nerkundram Village to an extent of 1.53 acres by a compromise decree in O.S. No.137 of 2010 dated 15.09.2010 passed by the learned Sub Judge, Poonamallee. According to him, the original owner of the above said land was one N.K.Babu Reddiar and on the death of his wife, M/s.Rukmani, Sugendran, Kanchanan @ Sridevi and Anuradha have become legal representatives of the said N.K.Babu Reddiar. On

21.06.1989, the petitioner has entered into a Sale Agreement with the said original owner N.K.Babu Reddiar for the purchase of above properties at Rs.1,600/- per cent. As the land acquisition proceedings were pending in respect of the above lands, he could not get the sale documents executed, but the above legal heirs have executed Power of Attorney dated 20.12.2006 and 13.03.2007. According to the petitioner, in order to grab money from him, the above legal heirs of the deceased cancelled the above power of attorney. Therefore, the petitioner filed a suit in O.S. No.137 of 2010 and a compromise decree was passed in his favour conferring title over the property. Aggrieved by the compromise decree, the above representatives of the original owner filed a suit in O.S. No.85 of 2011 for declaring the compromise decree as null and void and the said suit is pending on the file of the above Sub Court. While the said suit is pending, the above legal heirs sold the property to one Dhanasekaran and his wife Sasirekha by executing four separate Sale Deeds on 07.09.2014. Therefore, the petitioner filed a suit in O.S. No.291 of 2015 seeking permanent injunction restraining the second respondent from registering the documents and consequently seeking a direction not to release the documents to the said Dhanasekaran and his wife. While this is so, the third respondent, who is well aware that the petitioner acquired the property by compromise decree and a suit filed by the above heirs to cancel the compromise decree is pending, has registered the above four documents. Therefore, the petitioner is before this Court seeking the above prayer.

3. When the suits filed by the petitioner in O.S. No.291 of 2015 seeking permanent injunction and the legal representatives of N.K.Babu Reddiar in O.S. No. 85 of 2011 seeking declaration as null and void, are pending, this Court is unable to entertain this petition as the petitioner has to work out his remedy before the competent Civil Court. The Civil Court is directed to consider the suits filed by both parties, for early disposal on merits and in accordance with law. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

vga

To

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

2.The Sub Registrar,
Registration Department,
Virugambakkam, Chennai-600 092.

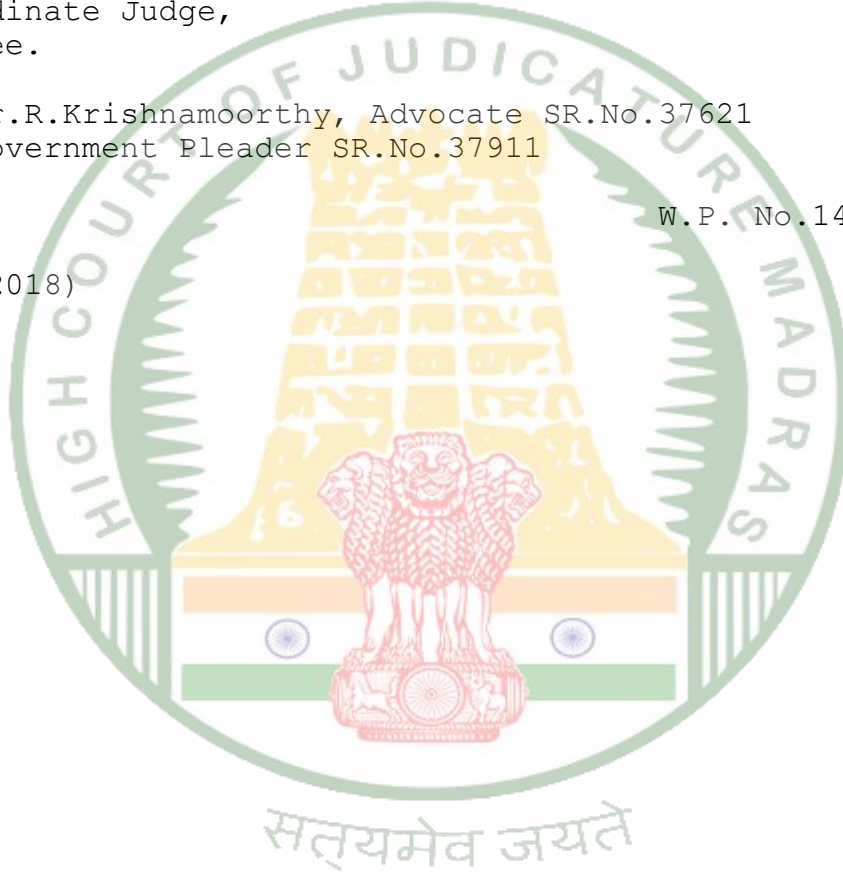
Copy To

The subordinate Judge,
Poonamallee.

+1cc to Mr.R.Krishnamoorthy, Advocate SR.No.37621
+1cc to Government Pleader SR.No.37911

W.P. No.14332 of 2018

KJI (CO)
GN(27/06/2018)



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