

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.31799 of 2013
and M.P.No.1 of 2013

C.Murugan

...Petitioner

Versus

- 1.The Secretary to the State,
Government of Tamilnadu,
Ministry of Registration Department,
St. Fort George,
Chennai.
- 2.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Chennai-28.
- 3.The District Registrar (Administration),
Registrar Office,
Vellore.
- 4.The Sub-Registrar,
Sub-Registrar's Office,
Jolarpettai, Vellore District.

5.P.J.David

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking a Writ of Certiorarified Mandamus calling for the entire records from the respondent-3 in his proceedings in e/f/vz;/1198-M1-2012. Dated 08.06.2012 and to quash the same as jejune, illegal, incompetent and Doc.No.684/2007, dated 14.03.2007, registered in favour of the petitioner to its original position by making necessary endorsement in the concern registration book.

For Petitioner: Mr.P.A.Sudesh Kumar

For Respondents: Mr.B.Anand
RR1 to 4 Government Advocate

R5 : No appearance

O R D E R

Heard Mr.P.A.Sudesh Kumar, learned counsel appearing for the petitioner and Mr.B.Anand, learned Government Advocate appearing for respondents 1 to 4.

2. The undisputed facts are that the 5th respondent viz., P.J.David purchased the land in dispute from the original owner Govindaraj, through the sale deed registered as Document No.758 of 1990. The legal heirs of the original owner Govindaraj had sold the same property to the petitioner on 14.03.2007 through a registered sale deed in Document No.684 of 2007.

3. Aggrieved over the second sale, the 5th respondent has preferred a complaint before the 3rd respondent. The 3rd respondent after due enquiry, having found that the sale made in favour of the petitioner is illegal, annulled the sale deed executed in favour of the petitioner. Challenging the same, the present writ petition.

4. The Learned counsel for the petitioner submitted that the 3rd respondent has no authority to decide the right of the parties and the Circular No.67 dated 03.11.2011 was already withdrawn by the Government in the year 2017.

5. Per contra, the learned Government Advocate submitted that the petitioner cannot claim any right or title over the property based on the second sale and the suit instituted by the petitioner was also dismissed after trial in O.S.No.227 of 2009 by a judgment and decree dated 29.10.2014. The petitioner has not preferred any further appeal and therefore that has become final.

6. In the instant case, it is not in dispute that the property in S.No.43/1A in Athanavur Village was originally owned by one Govindaraj. The sale made in favour of the 5th respondent in respect of the property in the year 1990 is also not in dispute. Whiles, the legal heirs of the original owner, who are bound by the sale, have no right to sell the same property in favour of the petitioner. It is further seen that the petitioner has lost his case before the Civil Court.

7. In the light of the above fact, I find no merits in this case. In that view, this writ petition fails and accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

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To

1.The Secretary to the State,
Government of Tamilnadu,
Ministry of Registration Department,
St. Fort George,
Chennai.

2.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Chennai-28.

3.The District Registrar (Administration),
Registrar Office,
Vellore.

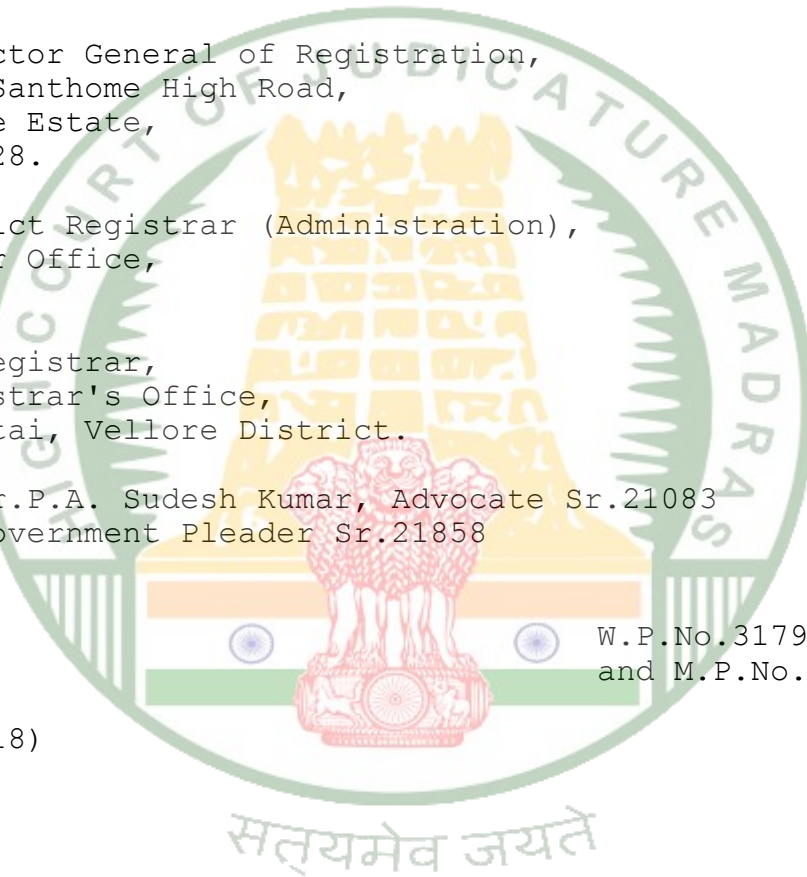
4.The Sub-Registrar,
Sub-Registrar's Office,
Jolarpettai, Vellore District.

+ 1 cc to Mr.P.A. Sudesh Kumar, Advocate Sr.21083

+ 1 cc to Government Pleader Sr.21858

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(CS-DR)
EU(13/04/2018)



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