

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.26562 of 2014

G.Pandiyan

..Petitioner

Vs.

1.The Joint Sub Registrar-I,
In the cadre of District Registrar,
Vellore, Vellore District.

2.Lingayyan

3.Thiruvengadam

4.Lingamoorthy

5.Jayalakshmi Ammal

.. Respondents

(Respondents 2 to 5 are impleaded as
per order of this Court dated 28.01.2015
in M.P.No.1 of 2014 in W.P.No.26562 of 2014)

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus, to call for the records pertaining to the impugned order No.6266/A.Pa.Pi/2014, dated 05.09.2014 issued by the respondent and quash the same and consequently direct the respondent to cancel the sale deed dated 01.02.1989, registered on 24.02.1989 as Doc.No.646/1989 on the file of the Joint Sub Registrar-II, Vellore pertaining to the land measuring about 3.39 acres comprised in S.No.232/1.232/2.232/3/232/4 and 232/5 situated in Palvanchathu Village, Vellore District and effect the entry in Book No.1.

For Petitioner : Mr.R.Narendran

For Respondents : Mr.T.M.Pappiah
Special Government Pleader(Registration)
Mr.C.M.Mohanasundaram
for M/s.M.S.Associates for R5

O R D E R

The prayer sought for in this writ petition is to quash the impugned order No.6266/A.Pa.Pi/2014, dated 05.09.2014 issued by the first respondent and for consequential relief.

2. The case of the petitioner is that he made a representation before the first respondent to cancel the sale deed dated 01.02.1989, registered on 24.02.1989 as Doc.No.646/1989 on the file of the Joint Sub Registrar-II, Vellore, pertaining to the land in S.Nos.232/1.232/2.232/3/232/4 and 232/5 situated at Palvanchathu Village, Vellore District. By order dated 05.09.2014, the first respondent has rejected the claim of the petitioner. Hence, the present writ petition.

3. When the matter is taken up for hearing, the learned counsel the petitioner fairly submitted that though the petitioner has challenged the impugned order, based on the Circular No.67, dated 03.11.2011, the said circular was subsequently, withdrawn vide Proceedings bearing No.41530/U1/2017 dated 20.01.2017 and hence, the petitioner may be given liberty to approach the competent Civil Court for appropriate relief.

4. Granting such liberty, the writ petition stands disposed of. If any application is filed by the petitioner before the competent Civil Court, the same shall be considered without reference to the issue relating to limitation. No costs.

Ms

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

To

The Joint Sub Registrar-I,
In the cadre of District Registrar,
Vellore, Vellore District.

+1cc to Mr.R.Narendran, Advocate S.R.No.68036
+1cc to Mr.C.M.Mohanasundaram, Advocate S.R.No.68512
+1cc to the Government Pleader, S.R.No.68837

KR/29/10/18

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