

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.19796 of 2018

P.Thambidurai

.. Petitioner

Vs.

The District Registrar (Admn.) (AIG Cadre),
Office of the District Registrar,
Central Chennai, No.182, Bharathi Salai,
First Floor, Royapettah, Chennai - 600 014.

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 23.07.2018 to revoke the cancellation of Sale Deed Doc.No.2682 of 2007 on the file of the SRO, Villivakkam.

For Petitioner : Mr.J.Milton Arul Rajendran

For Respondent : Mr.T.M.Pappiah,
Special Government Pleader

O R D E R

The petitioner claims to be the owner of the land comprised in Survey Nos.59/A, 59/A1, situated at Siyathamman Nagar, Korattur, Chennai measuring an extent of 15759 sq.ft., based on the Settlement Deed Doc.No.1489 of 2014 dated 09.12.2013 on the file of the Sub Registrar, Madhavaram and its parent document being the Sale Deed Doc.No.2682 of 2007 dated 05.07.2007 on the file of the Sub Registrar, Villivakkam. The said Sale Deed was cancelled by the respondent and the petitioner seeks for a direction to the respondent to consider his representation dated 23.07.2018 to revoke the cancellation of Sale Deed Doc.No.2682 of 2007 on the file of the SRO, Villivakkam.

2.When the petitioner claims to be the owner of the vacant land measuring 15759 sq.ft., situated at Siyathamman Nagar, Korattur, Chennai, by virtue of the registered Settlement Deed dated 09.12.2013 bearing Doc.No.1489 of 2014 on the file of the Sub Registrar, Madharavam, the parent document of the above said Settlement Deed, being Sale Deed bearing Doc.No.2682 of 2007, was cancelled during the pendency of a Civil Suit in O.S.No.278 of 2012 on the file of the VI Assistant City Civil Court, Chennai.

3.The prayer in the Writ Petition runs contrary to the ratio laid down by the Hon'ble Full Bench in W.A.Nos.592 & 938 of 2009 [M/s.Latif Estate Line India Ltd., rep. by its Managing Director Mr. Habib Abdul Latif, No.14, Temple Road, Secretariat Colony, Kilpauk, Chennai Vs. 1.Mrs.Hadeeja Ammal and 2 others], order dated 11.02.2011, holding that cancellation of any registered Deed can be entertained only by the Civil Court and the Registrar cannot accept the request for cancelling any document. Only in the case where a Deed of Cancellation presented by both the vendor and the purchaser, for registration, has to be accepted by the Registrar, if other mandatory requirements are complied with.

4.In the present case, the petitioner sought for a revocation of cancellation of the Sale Deed. Therefore, this Court is not inclined to entertain the Writ Petition and the same fails.

5.In the result, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

va

To

The District Registrar (Admn.) (AIG Cadre),
Office of the District Registrar,
Central Chennai, No.182, Bharathi Salai,
First Floor, Royapettah, Chennai - 600 014.

+3cc to Mr.J.MILTON ARUL RAJENDRAN, Advocate, S.R.No. 52786
+1cc to the Government Pleader, S.R.No. 54102

W.P.No.19796 of 2018

AK(CO)
TR(21/08/2018)

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