

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.27548 of 2018

D.Chandran

...

Petitioner

Versus

1. The District Registrar,
District Registrar Office,
Gandhi Nagar 5th Street,
Thiruvannamalai.

2. The Sub-Registrar,
Sub-Registrar Office,
Polur,
Thiruvannamalai District.

3. Mr.Dominic Rosorio

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus to direct the second respondent herein to cancel the Document No.1893/2007, dated 02.07.2007 as per the decree of O.S.No.326/2008 on the file of District Munsif Court, Polur by considering the petitioner representation dated 17.04.2018.

For Petitioner : Mr.P.Murali

For Respondents : Mr.T.M.Pappiah (R1 and R2)
Special Government Pleader

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O R D E R

This Writ Petition has been filed seeking a direction to the second respondent herein to cancel the Document No.1893/2007, dated 02.07.2007, as per the decree of O.S.No.326/2008 on the file of District Munsif Court, Polur by considering the petitioner representation dated 17.04.2018.

2. Heard Mr.P.Murali, learned counsel appearing for the petitioner and also Mr.T.M.Pappiah, learned counsel appearing on behalf of the respondents 1 and 2.

3. The case of the petitioner is that he made a representation to the second respondent on 17.04.2018, requesting him to cancel the Sale Deed dated 02.07.2007, as per the decree dated 16.04.2009. But, no action has been taken on the said representation, till date. Hence, the petitioner has come forward with this Writ Petition seeking for the aforesaid relief.

4. The learned counsel appearing for the petitioner would submit that there is no appeal against the said decree and hence prayed for a direction to the second respondent to cancel the Sale Deed dated 02.07.2007 as per decree dated 16.04.2009, in O.S.No.326 of 2008.

5. The learned counsel appearing for the respondents 1 and 2 would submit that the second respondent would consider and pass orders in this regard, on production of the said decree passed in O.S.No.326 of 2008 dated 16.04.2009.

6. Considering the facts and circumstances of the case and also having regard to the submissions made by the learned counsel on either side, the petitioner is directed to produce a copy of the decree dated 16.04.2009 in O.S.No.326 of 2008, to the second respondent, within a period of two weeks from the date of receipt of a copy of this order and thereafter the second respondent is directed to afford an opportunity of hearing to the petitioner, the third respondent as well as any of the interested parties and after arriving at the subjective satisfaction take appropriate steps to cancel the sale deed dated 02.07.2007 as per the decree, within a period of four weeks thereafter.

This Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The District Registrar,
District Registrar Office,
Gandhi Nagar 5th Street,
Thiruvannamalai.

2. The Sub-Registrar,
Sub-Registrar Office,
Polur,
Thiruvannamalai District.

+1 CC TO GOVERNMENT PLEADER SR.NO. 78352

W.P.No.27548 of 2018

ASK(10/12/2018)



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