



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2018

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)No.1034 of 2017

and

C.M.P(MD)No.7246 of 2017

The Sub-Registrar,
Sholavandan,
Madurai District.

... Appellant/1st Respondent

Vs.

1.Muthupandi ... 1st Respondent/Writ Petitioner

2.M.Moorthy

3.S.Vellimalai ... 2nd & 3rd Respondents/Respondents 2 & 3

4.G.Saraswathi ... 4th Respondent

(R - 4 is impleaded vide order, dated 17.09.2018
made in C.M.P(MD)No.8775 of 2018 in W.A(MD) No.1034 of 2017)

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent
against the order, dated 09.03.2017 made in W.P(MD)No.3096 of 2012,
on the file of this Court.

Prayer in WP(MD) No.3096 of 2012:

This Writ Petition filed under Article 226 of the Constitution
of India praying for the issuance of a Writ of Certiorari, to call
for the records relating to the impugned cancellation of sale deed
dated 27.06.2011 registered as document No.1501 of 2011 by the 1st
Respondent herein and quash the same as null and void.

For Appellant : Mrs.J.Padmaavathi Devi,
Special Government Pleader.

For RR 1 to 3 : No appearance

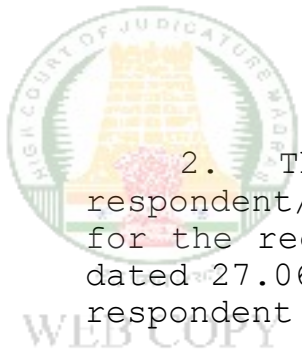
For R - 4 : Mr.K.P.Krishnadoss

JUDGMENT

(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)

<https://hcservices.ecourts.gov.in/hcservices/>

THIS writ appeal is directed as against the order, dated
09.03.2017 passed in W.P(MD)No.3096 of 2012.



2. The said Writ Petition was filed by the first respondent/writ petitioner to issue a Writ of Certiorari, to call for the records relating to the impugned cancellation of sale deed, dated 27.06.2011 registered as Document No.1501 of 2011 by the first respondent therein and quash the same.

3. The facts leading to the filing of the Writ Appeal are that the second respondent became the owner of the property by way of settlement entered into between him and his mother on 01.02.1995. Thereafter, the second respondent sold the property to the third respondent on 27.02.2002. The third respondent sold the property to one Vazhivittan on 02.12.2002. From the said Vazhivittan, the first respondent/writ petitioner had purchased the property on 11.02.2004 and had applied for mutation of revenue records. While so, on 27.06.2011, the second and third respondents produced a deed of cancellation, cancelling the sale deed, dated 27.02.2002.

4. The said act of the second and third respondents had been frowned upon by the learned Single Judge by stating that they have colluded together in executing the said fraudulent act of cancellation. It was further held that the Sub-Registrar concerned, who registered the cancellation deed, has aided the second and third respondents in the said process.

5. Therefore, while declaring the cancellation deed, dated 27.06.2011, as void, slapped a fine of Rs.25,000/- on the Sub-Registrar, Sholavandan, who was in-charge on the relevant date, namely 27.06.2011. Aggrieved by the said order, the present Writ Appeal has been filed.

6. Heard the learned Special Government Pleader appearing for the appellant and the learned counsel appearing for the fourth respondent.

7. There is no representation on the side of the first respondent/writ petitioner.

8. The Writ Appeal was filed by the subsequent Sub-Registrar, Sholavandan, Madurai District, who cannot be an aggrieved person. Therefore, impleading application has been filed by the Sub-Registrar, who was in-charge on the relevant date, in C.M.P(MD)No.8775 of 2018 and it was ordered on 17.09.2018 and impleaded as the fourth respondent.

9. The fourth respondent has filed an affidavit tendering her unconditional apology for the dereliction of duty on her part at the time of registering the cancellation deed. Now, it is stated that she is also retired from service.

10. Taking note of the sympathetic view, we are of the considered opinion that the cost imposed on the fourth respondent is



set aside and a direction given to the Government to pay the said amount and the order to recover the same from the fourth respondent should be set aside. Accordingly, the cost imposed on the fourth respondent is set aside.

11. It is also pointed out that subsequent to the declaration of the said cancellation deed, dated 27.06.2011 as void, the Sub-Registrar had also cancelled the said cancellation deed on 13.08.2018.

12. With the above directions, this Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar(CS-IV)

To

The Sub-Registrar,
Sholavandan,
Madurai District.

+1cc to Mr.K.P.KRISHNADOSS, Advocate, SR.No. 89152

+1cc to M/s.Special Government Pleader,SR.No. 89183

W.A(MD)No.1034 of 2017
08.10.2018

PS

KK/SV/SAR-4/09.11.2018/3P-4C