

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.5116 of 2016
and
W.M.P.No.4477 of 2016

K.E.Saroja

.. Petitioner

Vs.

1.The District Registrar,
No.2/3, 1st Floor,
New Kanchipuram Road,
Cheyyar,
Thiruvannamalai - 604 407.

2.The Joint Registrar-I,
No.2/3, Ground Floor,
New Kanchipuram Road,
Cheyyar,
Thiruvannamalai - 604 407.

3.The Tahsildar,
Tahsildar Office,
Cheyyar,
Thiruvannamalai - 604 407.

.. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the impugned sale deed Document No.416/2005 dated 30.06.2005 and sale deed Document No.101/2006 dated 23.02.2006 by the second respondent and quash the same.

For Petitioner : Ms.E.Angayarkanni
For RR1 & 2 : Mr.T.M.Pappiah
Special Government Pleader
For R3 : Mr.N.Inbanathan
Additional Government Pleader

O R D E R

The writ petition has been filed to quash the impugned

sale deed Document No.416/2005 dated 30.06.2005 and sale

deed Document No.101/2006 dated 23.02.2006 executed by the second respondent.

2. The case of the petitioner is that the lands comprised in S.No.1197A/1 of an extent of 38 cents and S.No.1197A/2 of an extent of 11 cents in Anakkavur village, originally belonged to Thandavarayan, Ponnar, Mannar, Kanni and Narayanaswamy, who had sold the same to one Annamalai. The said Annamalai executed an unregistered will in favour of Deivasigamani and his two sons Balamurugan and Sundaramurthy. The petitioner purchased the properties from the above said Deivasigamani and his son Balamurugan through a registered sale deed Doc.No.534/1994 dated 22.08.1994. The petitioner has been enjoying the said property by obtaining patta and paying land tax. In that circumstances, one Pichandi and Pachayappan claimed right and committed trespass over the petitioner's property. Hence, the petitioner filed a suit in O.S.No.393/1995 for permanent injunction and the same was decreed in favour of the petitioner. While so, the said Pachayappan falsely created a sale deed, registered as Doc.No.416/2005 and transferred the property to one P.Murugan through a sale deed dated 24.02.2006, registered as Doc.No.101/2006. Hence, the petitioner made a representation to the first and second respondents on 04.11.2015 to cancel the said document Nos.416/2005 dated 30.06.2005 and 101/2006 dated 24.02.2006. Since, the first and second respondents have not taken any action on the representation of the petitioner, the present writ petition has been filed to quash the registration of the above said two sale deeds.

3. Heard the learned counsel appearing on both sides.

4. The petitioner seems to have made a representation to the third respondent on 11.05.2015. The third respondent after perusing the documents had cancelled the patta No.2016 issued in favour of the said Pachayappan and issued patta in favour of the petitioner on 15.09.2015. The petitioner has also made the representation to the first and second respondents on 04.11.2015 to cancel the sale deed Nos.416/2005 dated 30.06.2005 and 101/2006 dated 24.02.2006. It is also stated that the petitioner has filed a suit in O.S.No.393/1995 before the District Court, Cheyyar for declaration of title and permanent injunction. As the petitioner has been alleging fraud in execution of the documents, she has rightly filed the suit before the Civil Court and she may pursue the same to establish her right and title and the prayer as such sought to quash the sale deeds is not maintainable.

5. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rsi
To

- 1.The District Registrar,
No.2/3, 1st Floor,
New Kanchipuram Road,
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- 3.The Tahsildar,
Tahsildar Office,
Cheyyar,
Thiruvannamalai - 604 407.

+1cc to Ms.E.Angayarkanni , Advocate SR.No.35128
+1 cc to Government Pleader Sr.No.36342

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A.SK(20/05/2019)

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