



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5263 of 2019

S.Senthivel

... Petitioner

Vs.

1. The Inspector General of Registration,
O/o. The Inspector General of Registration,
100. Santhome High Road,
Foreshore Estate,
Chennai - 600 028.

2. The Sub Registrar,
Aruppukkottai Sub Registration Office,
Aruppukkottai,
Virudhunagar District.

3. M.Balamurugan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to cancel the registration of sale deed vide document No.3771/2013 dated 19.08.2013 and Gift Deed vide Document No.3770/2013 dated 19.08.2013 executed by the third respondent on the file of the second respondent based on the petitioner's representation dated 22.02.2019 within the time limited that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
For R-1 & R-2 : Mr.M.Murugan,
Government Advocate.

O R D E R

Heard the learned counsel appearing for the Writ petitioner and the learned Government counsel appearing for respondents 1 and 2.

2. The case of the Writ petitioner is that the suit property was purchased by him at a Court Auction sale held on 11.06.2012. The property originally belonged to the third respondent. He was the sole defendant in O.S.No.131 of 2010 before the Sub Court, Aruppukkottai. The grievance of the Writ petitioner is that the third respondent herein executed a gift deed and a sale deed in respect of the suit property in favour of his brother and mother and got them registered on 19.08.2013. The petitioner wants this Court to cancel the registration of the aforesaid documents.



3. I am of the view that once the document has been registered, the second respondent will not have the power to cancel the same. The parties will have to necessarily work out their rights before the civil Court. Giving liberty to the petitioner to file a suit before the civil Court seeking appropriate relief, this Writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar (CS)

pmu

To

1. The Inspector General of Registration,
O/o. The Inspector General of Registration,
100. Santhome High Road,
Foreshore Estate,
Chennai - 600 028.
2. The Sub Registrar,
Aruppukkottai Sub Registration Office,
Aruppukkottai,
Virudhunagar District.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 52262

W.P.(MD)No.5263 of 2019
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TR (19.03.2019) 2P 4C