



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD).No.14724 of 2015
and M.P. (MD).No.1 of 2015

S.Sivanupandian

.. Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
Chennai.

2.The District Registrar,
Tirunelveli District,
Tirunelveli.

3.The Sub Registrar,
Office of the Sub Registrar,
Pettai, Tirunelveli.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, direct the 2nd respondent to enquire the Doc.No.1567/1987 registered in the 3rd respondent office and consequently endorse the same in the registry of the said office based on petitioner's representation dated 15.12.2014, in the light of Circular No.67, dated 03.11.2011 issued by the 1st respondent.

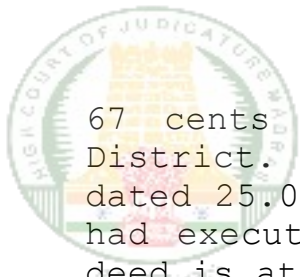
For Petitioner : Mr.T.Selvan

For Respondents : Mr.M.Murugan
Government Advocate

ORDER

This writ petition is filed for issuing a writ of Mandamus directing the second respondent to enquire about the fraudulent registration of a document which was registered as document No.1567 of 1987, on the basis of the circular No.67, dated 03.11.2011.

2.The petitioner states that his father by name Sappanithomas is the owner of land measuring an extent of 2 acres



67 cents in S.No.13/2 in Vettuvankulam village in Tirunelveli District. It is the case of the petitioner that a sale deed, dated 25.09.1987 has been fraudulently registered as if his father had executed the sale deed in favour of third party. This sale deed is attacked by the petitioner as a fraudulent transaction.

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3.The case of the petitioner is that his father had orally gifted the properties to him and that he is in enjoyment of the property. The petitioner himself admits that on the basis of oral gift deed, he had conveyed part of the property in favour of his brother, even during the life time of his father. After several years, the petitioner has submitted a representation on 15.12.2014 to enquire into the fraudulent nature of transaction that is the sale deed, dated 25.09.1987.

4.From the statements of facts found in the affidavit, the petitioner relies upon an oral gift to claim title to the property. There cannot be conveyance without registered instruments. The petitioner has sold portion of the property in favour of his own brother in 2002. Even though the disputed document was registered in 2002, the petitioner has come forward with a representation to the Sub Registrar to enquire into the nature of transaction on the basis of the circular only in the year 2014. The contention of the petitioner that he had no knowledge about the sale deed which was executed in 1987 cannot be accepted. This Court is not convinced regarding the bonafides of petitioner in approaching this Court merely after 20 years after transaction. It is also admitted that Circular No.67 issued by the Registrar General of Registration has been withdrawn.

5.In such circumstances, this Court is not inclined to entertain this writ petition. Hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. However, the petitioner may approach the civil court for appropriate relief.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

TM

To

1.The Inspector General of Registration,
Registration Department,

Chennai.

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



2.The District Registrar,
Tirunelveli District,
Tirunelveli.

3.The Sub Registrar,
Office of the Sub Registrar,
Pettai, Tirunelveli.

+1 CC to SPL.GP (SR-103979[F] dated 09/12/2019)

+1 CC to Mr.T.SELVAN, Advocate (SR-104058[F] dated 09/12/2019)

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06.12.2019

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