

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2020

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9775 of 2020

J.Samathanam

...Petitioner

-vs-

1.The Sub-Registrar,
Sub-Registrar Office,
Sankarapuram,
Kallakurichi District.

2.The District Registrar,
District Registrar Office,
Kallakurichi & District.

3.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome Road, Chennai 600 028.

4.Annadurai,

5.D.Suresh

...Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the 3rd respondent to consider the representation of the petitioner dated 19.03.2020 and cancel the sale deed dated 12.01.2018 which is registered as Doc.No:126/2018 with the first respondent and further seeking disciplinary action against the first respondent/Sub-Registrar for willfully under valuing the property of worth about Rs.40,00,000/- to Rs.9,20,925/-.

For Petitioner : Mr.R.Sivaraman

For Respondents : Mr.Mr.T.M.Pappiah for R1 to R3
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the third respondent to consider the representation made by the petitioner on 19.03.2020 to cancel the sale deed dated 12.01.2018 and also seeking disciplinary

action against the first respondent on the ground that he has undervalued the property.

2. The relief that has been sought for by the petitioner is unsustainable for two reasons; the first reason is that the third respondent does not have the jurisdiction to cancel any document that has already been registered. The law on this issue has been settled by the Hon'ble Supreme Court in M/s.Varun Tech Industries Vs. The State of Andra Pradesh and others, reported in (2016) 10 SCC P.No.767. Therefore, the first request made by the petitioner seeking for cancellation of sale deed by the third respondent cannot be granted.

3. The second reason is that, according to the petitioner the property has been under valued, however, this is a matter which will get itself exposed at the time of audit and if there is really an under valuation, the audit party will surely take action since it involves the revenue of the State. Therefore, it is not for the petitioner to state whether there is any under valuation or not, since the relevant enactment itself provides the manner in which the value of the property must be determined.

4. In view of the above, the reliefs as sought for by the petitioner cannot be granted by this Court and accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Sub-Registrar,
Sub-Registrar Office,
Sankarapuram,
Kallakurichi District.

2.The District Registrar,
District Registrar Office,
Kallakurichi & District.

3.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome Road, Chennai 600 028.

+1cc to the Government Pleader, S.R.No.25646

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SR(CO)
KKV/13/08/2020



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