

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.18050 of 2020 &
WMP.No.22418 of 2020

R.Thangaraj

... Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome High Road,
Chennai 600 028.

2.The District Registrar,
Office of the District Registrar,
Nagapattinam,
Nagapattinam District.

3.The Sub Registrar,
Office of the Sub-Registrar,
Thiruvarur, Thiruvarur District.

4.N.Thandayudhapani
5.D.Thiyagarajan
6.V.G.Shanthi Bhushan,
7.V.G.Varadharajan
8.R.V.Gyana Shanmugam

.. Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 3 to conduct an enquiry on the petitioner's representation dated 21.09.2020 with regard to the cancellation of the Sale Deed registered before the Sub-Registrar, Thiruvarur the 3rd Respondent herein in Document No.2283/2011 dated 24.11.2010.

For Petitioner : Mrs.Greetha Senthilkumar
For Respondents: Mr.T.M.Pappiah, SGP

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents 1 to 3 to conduct an enquiry on the representation made by the petitioner on 21.09.2020 and

cancel the sale deed registered on the file of the 3rd respondent in document No.2283 /11.

2.Heard Mrs.Greetha Senthilkumar, learned counsel for the petitioner and Mr.T.M.pappiah, learned Special Govt. Pleader appearing for the respondents 1 to 3.

3. It is seen from records that one Nandagopal had filed a suit in O.S.No.32 of 2013 and he had challenged the very same sale deed dated 24.11.2020 which was registered as document No.2283/11 on the file of the 3rd respondent. The District Munsif Court, Thiruvarur, by judgment and decree dated 24.4.2015 has declared the said sale deed as null and void and non est and according to the petitioner, this judgment has become final. The further case of the petitioner is that pursuant to the judgment and decree of the Civil Court, the entry regarding the registration of the earlier sale deed will have to be cancelled. The petitioner has taken a specific stand that he is supporting the case of the Nanda Gopal and that he also has a share in the property.

4. In the considered view of this Court, once the sale deed has been declared to be null and void by a competent Civil Court and decree has also become final, the entry in the encumbrance certificate is virtually non est in the eye of law. There is no requirement for once again cancel that document in the encumbrance certificate. The best course of action would be to register the decree that was passed in O.S.No.32 of 2013. It will always be open to the said Nandagopal who was the plaintiff in that suit to register the decree passed in O.S.No.32 of 2013, so that the encumbrance certificate itself will reflect the fact that the earlier sale deed is getting reversed.

5. In view of the above discussion, there is no question of directing the respondents 1 to 3 to cancel the sale deed registered in document No.2283 / 11, since they do not have any such powers under the Registration Act. The legal position has been made clear by this Court and no further orders can be passed in this Writ Petition.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome High Road,
Chennai 600 028.

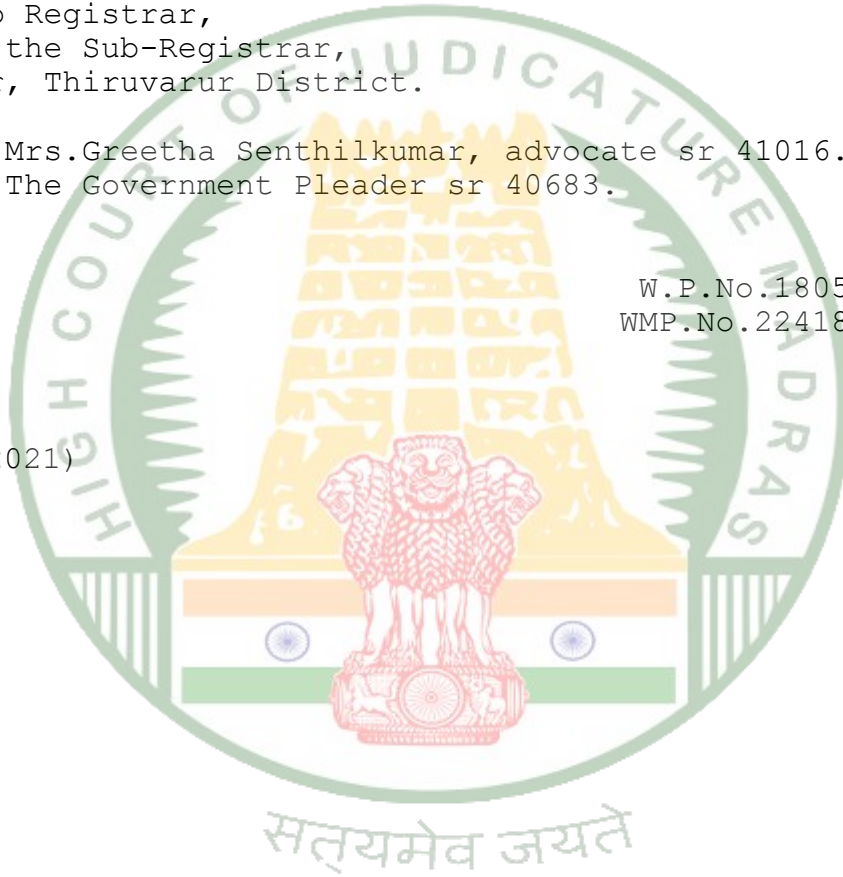
2. The District Registrar,
Office of the District Registrar,
Nagapattinam,
Nagapattinam District.

3. The Sub Registrar,
Office of the Sub-Registrar,
Thiruvarur, Thiruvarur District.

+1 CC to Mrs.Greetha Senthilkumar, advocate sr 41016.
+1 CC to The Government Pleader sr 40683.

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VGII(CO)
SP(11/01/2021)



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