



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.3044 of 2020

and

W.M.P.(MD)No.2594 of 2020

WEB COPY

P.Yuvaraj

: Petitioner

vs.

1.The District Registrar,
Theni, Theni District,
Periyakulam Redg.District.

2.The Sub Registrar,
Sub Registrar Office,
Bodinayakanur, Theni District.

3.Y.Keerthana

4.P.Saravanan

5.S.Manjula

: Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, to declare Document No.218/2016 on the file of the second respondent, dated 18.01.2016, executed by the fourth respondent in favour of third respondent as null and void.

For Petitioner :Mr.K.Saravana Bhagavathy
for M/s.S.K.K.Law Associates

For R1 and R2 :Mr.A.Muthu Karuppan
Additional Government Pleader

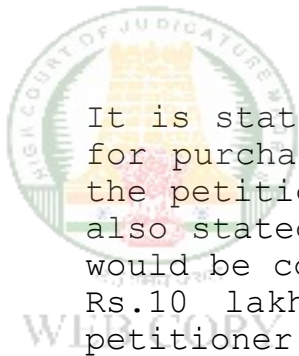
O R D E R

This Writ Petition is filed to declare the Document No.218/2016 on the file of the second respondent, dated 18.01.2016, executed by the fourth respondent in favour of third respondent as null and void.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.The brief facts that are necessary for the disposal of this Writ Petition are as follows:

4.The petitioner married the third respondent on 31.05.2012.

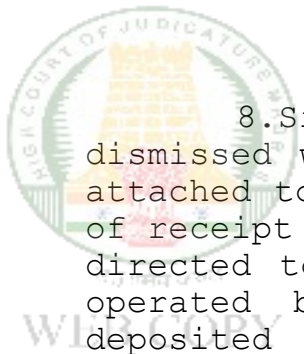


It is stated by the petitioner that the petitioner's wife suggested for purchasing the property from her father under the pretext that the petitioner's father-in-law is the owner of the property. It is also stated by the petitioner that on the promise that the property would be conveyed in favour of the petitioner for a consideration of Rs.10 lakhs, he sent substantial amount to the account of the petitioner's mother-in-law. The petitioner has also given the list of dates for sending the money from abroad for the purpose of purchasing the property. It is the contention of the petitioner that the balance sale consideration was also paid by him on the date of registration of the document on 18.01.2016, which was in favour of the third respondent (executed by the fourth respondent). The petitioner states further that there is some dispute between the petitioner and his wife and that a petition for divorce was also presented by the petitioner's wife in H.M.O.P.No.263 of 2018.

5.The petitioner further states that the petitioner came to know about the attempt made by the third and fourth respondents to sell the property and that therefore, he submitted a representation before the second respondent to cancel the registration of the document. In the representation submitted by the petitioner on 05.02.2020, the request of the petitioner was to consider the document submitted by him to prove that the sale consideration for the document registered already on 18.01.2016. Thereafter, the petitioner has approached this Court for a declaration that the document, dated 18.01.2016 executed by the fourth respondent in favour of the third respondent is null and void.

6.The petitioner has come to this Court with an inappropriate and improper prayer. Assuming that the petitioner's case is accepted, the petitioner does not stand to gain by the prayer. If the document is declared as void, the transaction as such will be void and the conveyance by way of registered instrument becomes invalid. It is not to the advantage of anyone either to the petitioner or to the third respondent. Even for seeking proper relief, this Court cannot entertain Writ Petition to decide the title of petitioner. In such circumstances, the petitioner has to approach the Civil Court for appropriate relief. The petitioner claims title to the property on the basis that the entire sale consideration for the transaction was paid by him.

7.Without even knowing the legal implications of present prayer in the Writ Petition, the petitioner has approached this Court. Despite this Court try to convince the learned Counsel for the petitioner that the prayer is inappropriate and that the petitioner has to approach the Civil Court, the learned Counsel for the petitioner has argued that the petitioner is entitled to the relief as prayed for. Hence, this Court is of the view that the petitioner has approached this Court with ulterior motive, just to harass the respondents. Even the petitioner will stand to lose by <https://hcservices.mca.gov.in/hcservices/>, which is now sought for in the Writ Petition.



8.Since the petition is an aimless litigation, the same is dismissed with a cost of Rs.5,000/- to the credit of Sidha Clinic attached to this Bench within a period of three weeks from the date of receipt of a copy of this order. The Registrar Administration is directed to open the account in the name of "Sidha Clinic" to be operated by the Registrar Administration. The amount to be deposited by the petitioner may be utilised by the Sidha and Ayurvedha Clinic attached to this Bench for their social service in giving health drinks to the public, who are visiting this Bench. The amount that is credited to the account shall be withdrawn and transferred to the Sidha Clinic by the Registrar Administration by orders of Honourable Administrative Judge or the Green Committee of this Bench. Consequently, connected miscellaneous petition is closed.

9.Post the matter 24.03.2020, for reporting compliance.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr

To

1.The District Registrar,
Theni, Theni District,
Periyakulam Redg.District.

2.The Sub Registrar,
Sub Registrar Office,
Bodinayakkanur, Theni District.

Copy to:

1.The Registrar (Administration),
Madurai Bench of Madras High Court, Madurai.

2.The Section officer, Writ Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.SPL.GP (SR-6605[F] dated 17/02/2020)

+1 CC to M/s.K.SARAVANA BHAGAVATHY, Advocate (SR-6721[F] dated 18/02/2020)

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