



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 06.07.2020

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD)No.7344 of 2020

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Dharmaraj

...Petitioner

Vs

- 1.The Inspector General of Registration,
100, Santhome High Way Road,
Mullima Nagar,
Manthaivelippakkam,
Raja Anamalipuram,
Chennai - 600 028.
- 2.The Deputy Inspector General of Registration,
Multipurpose Office Campus,
Kaajamalai, Trichirappalli.
- 3.The District Registrar,
Karur District, Karur.
- 4.The Sub Registrar,
Nangavaram Sub Registrar Office,
Kulithalai Taluk,
Karur District.

5.M.Manoharan

...Respondents

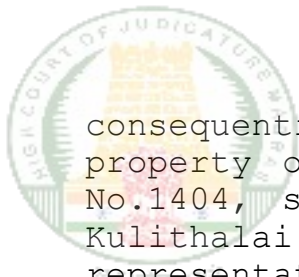
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to cancel the order No.5387/AA1/2011, dated 02.05.2012 passed by the fourth respondent and consequentially registered documents if any, pertaining to the property of bearing S.No.957/1A/2A, an extent of 628 acre, Patta No.1404, situated at Nangavaram South beat-1 Village, Nangavaram, Kulithalai Taluk, Karur District by considering the petitioner's representation dated 18.06.2020.

For Petitioner : Mr.R.Murugappan

For R-1 to R-4 : Mr.V.Anand
Government Advocate

ORDER

This writ petition has been filed for a Writ of Mandamus directing the first respondent to cancel the order No.5387/AA1/2011, dated 02.05.2012 passed by the fourth respondent and the



consequential registered documents, if any, pertaining to the property of bearing S.No.957/1A/2A, an extent of 628 acre, Patta No.1404, situated at Nangavaram South beat-1 Village, Nangavaram, Kulithalai Taluk, Karur District by considering the petitioner's representation, dated 18.06.2020.

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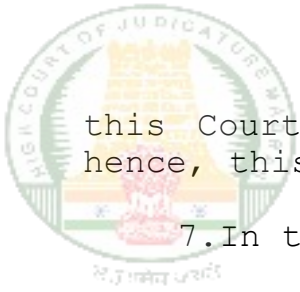
2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 4.

3. It is the case of the petitioner that he entered into a sale agreement with the fifth respondent on 17.04.2007 for selling the aforesaid land to the fifth respondent. The said sale agreement was registered at the fourth respondent Sub Registrar Office as document No.294 of 2007. Subsequently, the third respondent without giving any notice and without conducting any enquiry, cancelled the aforesaid sale agreement by his order No.5387/AA1/2011, dated 02.05.2012. The copy of the said cancellation was not communicated to the petitioner and the petitioner came to know about the cancellation of the sale agreement only in the year 2019 and immediately thereafter, the petitioner made a representation to the authorities concerned to furnish a copy of the said order, through Right To Information Act. Thereafter, the petitioner received the communication from the third respondent, wherein it is stated that the aforesaid copy of the document was not traced out. Subsequently, the said order was confirmed by the Joint Registrar, Trichirappalli. Challenging the same, the petitioner has filed this writ petition.

4. According to the learned counsel for the petitioner, the aforesaid cancellation order passed by the respondents is per-se illegal on the ground that no opportunity was given to the petitioner.

5. Mr. V. Anand, learned Government Advocate, who takes notice for the respondents 1 to 4 would submit that the petitioner relied upon the sale agreement entered into between the parties in Sale Agreement Deed No.294/2007 on the file of the fourth respondent, dated 17.04.2007 and that these are all disputed facts and therefore, the petitioner has to approach the appropriate Civil Court, if he so advised.

6. In view of the submissions made by both the parties and in view of the fact that the aforesaid cancellation order has passed in the year 2012; the copy of the said cancellation order was not communicated to him; the petitioner has claimed that he is in possession of the said property and he was not aware of the said cancellation proceedings passed by the respondents, this Court cannot entertain the writ petition going into the disputed questions of fact. If there is any breach of agreement between the parties concerned, it is for the petitioner to work out his remedy before the appropriate Civil Court in the manner known to law. Therefore,



this Court is of the view that no *prima facie* case is made and hence, this writ petition is liable to be dismissed.

7. In the result, the writ petition is dismissed. No costs.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note:- In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

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