

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

WP.No.1305 of 2021
and
WMP.No.1448 of 2021

Y.Isaac

...

Petitioner

-Vs-

1.The Inspector of Police,
Central Crime Branch,
Egmore,
Chennai -8.

2.The Sub Registrar,
Kundrathur,
Kancheepuram district.

3.Irfan Basha

Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the 1st respondent to issue any false threats against the petitioner by often calling him to the police station either by directly or through telephone and also direct the 2nd respondent to accept the cancellation deed presented by the petitioner in Temporary Document No.TP/98089101/2020 dated 08.12.2020 and register the same.

For Petitioner : Mr.N.Suresh

For Respondent : Mr.E.Balamurugan,
Special Government Pleader for R1
: Mr.T.M.Pappiah,
Special Government Pleader for R2

ORDER

This petition has been filed by the petitioner seeking for a direction to forbear the 1st respondent to issue any false threats against the petitioner by often calling him to the Police station either by directly or through telephone and also

direct the 2nd respondent to accept the Cancellation Deed presented by the petitioner in Temporary Document No.TP/98089101/2020 dated 08.12.2020 and register the same.

2. The petitioner purchased certain property under the Sale Deed dated 07.06.1999. While so, a third party, who asserted title to the property, preferred a complaint before the first respondent Police on the allegation that the petitioner's vendor in the above said Sale Deed had no title to the said property, and that the Sale Deed itself is a false document. Along with the petitioner's vendor, the petitioner and others who were arrayed as accused and the case came to be registered in Cr.No.45/14 on the file of the first respondent Police on the records of CCB, Egmore. Subsequently, the petitioner moved this Court vide CrI.OP.No.24221/14, under Section 482 of Cr.P.C, to quash the FIR. This was disposed of on 29.11.2019. During the pendency of CrI.O.P.No.24221/2014, the petitioner satisfied himself about the title of the defacto complainant in Cr.No.45/14 and gave up his interest over the property. To this effect, he had filed an affidavit before the Court and undertook to cancel the said Sale Deed also.

3. Recording the same, this Court in its order dated 29.11.2019, referred the above and quashed the case registered in Cr.No.45/14. Subsequently, the petitioner has unilaterally executed a document styled as "'Cancellation Deed'" to cancel the consequent benefit of the Sale Deed obtained by him on 07.06.1999. This was refused to be registered by the concerned Sub Registrar who was arrayed here as second respondent on the ground that unilateral cancellation is impermissible.

4.It is one thing for the vendor to cancel the Sale Deed unilaterally, and it is another thing for the purchaser under the Sale Deed to cancel the document. The contents of the Sale Cancellation Deed is read over to this Court, wherein, the petitioner has declared that he does not claim any right, title or interest over the property pursuant to the Sale Deed dated 07.06.1999. This perhaps is only method by which he can give up his interest in the property. Therefore, when the very purchaser gives up his claim of title, right or interest over the property, no damage is going to occur to any others interest.

5.The learned counsel for the petitioner has also submitted that no third party right has been created by the petitioner in the mean time.

6.This Court, therefore now directs the Sub Registrar, the second respondent herein:-

- i. to register the said Cancellation Deed which is ordered in view of the peculiar facts and circumstances of this case.
- ii. The petitioner is also required to register an affidavit stating therein that he has not created any third party rights, pursuant to the Sale Deed dated 07.06.1999''.

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

Sd/-
Asst. Registrar (CS III)

/true copy/
Sub Asst. Registrar

dn
To

1. The Inspector of Police,
Central Crime Branch,
Egmore,
Chennai -8.

2. The Sub Registrar,
Kundrathur,
Kancheepuram district.

+1 cc to Mr. N. Suresh Advocate sr8967
+1 cc to the Government Pleader sr8493

W.P.No.1305 of 2021
and
WMP.No.1448 of 2021

aa17/02/2021
aa19/02/2021

WEB COPY