



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.15749 OF 2012
AND M.P.NOS.2 AND 5 OF 2012

Chakkaravarthy

... Petitioner

-Vs-

1. The State represented by,
The Inspector General of Registration,
100, Santhome High Road,
Santhome,
Chennai-600 028.

2. The District Registrar Vellore,
Fort, Vellore-4.

3. E. Rahilent Ebens.
(R3- Impleaded
as per order
dated 11.10.2012 in M.P.No.4 of 2012
in WP.No.15749 of 2012.)

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the impugned proceedings of the second respondent dated 30.04.2012 in Na.Ka.No.484/AA1/2012 and quash the same.

For Petitioner : Mr.V.S.Senthil Kumar
For R1 and R2 : Mr.Yogesh Kannadasan
Special Government Pleader
For R3 : M/s.Gajalakshmi Rajendran

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorari, calling for the impugned proceedings of the second respondent dated 30.04.2012 in Na.Ka.No.484/AA1/2012 and



quash the same.

2. Heard Mr.V.S.Senthil Kumar, learned counsel appearing for the petitioner, Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 and 2 and M/s.Gajalakshmi Rajendran, learned counsel appearing for the third respondent.

3. The learned counsel for the petitioner filed memo, stating that he has not received any instructions from the petitioner and the same is recorded.

4. The case of the petitioner is that the petitioner purchased the property ad-measuring 7.86 acres by the registered sale deed, dated 23.04.2008 registered vide Document No.1157 of 2008 from one Rukumaniammal and others. Originally, the said property belong to one Govindan and after his demise, his legal heirs i.e. The said Rukumaniammal, two daughters and two sons as his legal heirs have partitioned the said property by the partition deed, dated 29.12.2006 registered vide Document Nos.1258 and 1259 of 2006. The said Rukumaniammal and others have executed rectification deed on 03.06.2008, registered vide Document No.1565 of 2008, as the property wrongly mentioned as ancestral property. While being so, the third respondent claims the property and filed a suit in O.S.No.83 of 2007 for permanent injunction on the file of the District Munsif Court, Thirupattur against the petitioner's vendor. The interim injunction was also dismissed and aggrieved by the same, he filed C.M.A and the same was also dismissed. In the meanwhile, the third respondent also lodged complaint, alleging that the petitioner and the said Rukumaniammal attempted to grab the property and the same was registered in Crime No.74 of 2008.

5. He also filed writ petition before this Court in W.P.No.14533 of 2008, forbearing the second respondent from accepting or receiving any document in respect of the subject property. The said writ petition was dismissed by this Court, by an order dated 25.11.2008. He filed another writ petition in W.P.No.13082 of 2008, before this Court, forbearing the second respondent from mutation of revenue records in favour of the petitioner in respect of the subject property, and the same was also dismissed by this Court, by an order dated 06.01.2011. Thereafter, the third respondent lodged complaint on 26.12.2011 and the second respondent conducted an enquiry and thereby cancelled the registered sale deed, dated 23.04.2008, registered vide Document No.1157 of 2008, by an order dated 30.04.2012. The petitioner raised a ground as to whether the order passed by the second respondent is in the line with the G.O.No.67, dated 03.11.2011.



6. A perusal of the counter filed by the second respondent revealed that the petitioner had purchased the property, ad-measuring 7.86 acres from Rukumaniammal and 6 others by the registered sale deed, dated 23.04.2008 registered vide Document No.1157 of 2008. Whereas, the said land belong to one Rama Gounder. He had purchased the same in a public auction held by the Revenue Inspector and duly registered under section 89(2) of the Registration Act, and filed before the office of the Sub-Registrar, Vaniambadi. After his demise, his son Elavi Gounder and grand son Govindan have jointly sold out 3.86 acres out of 7.86 acres to one K.RamanMenon, by the registered Document No.1790 of 1965. Another 1 acre of land out of 7.86 acres was sold out to one C.V.George registered vide Document No.1791 of 1965. They also sold out another 1 acre out of 7.86 acres to one P.Rajagopal, registered vide Document No.1792 of 1965. Likewise, another 1 acre was also sold out to one Mary Amma Mathew, registered vide Document No.1794 of 1965. They also sold the remaining 1 acre to one Nithyanandan, registered vide Document No.1793 of 2012.

7. Thus, the legal heirs of the said Rama Gounder, have sold the entire extent of the property to 5 purchasers. Thereafter, the third respondent had purchased the entire extent of the property from the above said persons. Therefore, the said Elavi Gounder and his son Govindan have already sold their entire extent of land and as such the legal heirs of Govindan could not have inherited the said property by the partition deed, vide Document No.1258 of 2006 and 1259 of 2006.

8. Therefore, the sale of the land in favour of the petitioner by the legal heirs of the said Govindan, on the strength of the said partition deeds is also not a valid one and illegal.

9. Hence, the second respondent rightly passed the order and this Court finds no infirmity or illegality in the order passed by the second respondent. The writ petition is devoid of merits and is liable to be dismissed.

10. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
The State of Tamil Nadu,
100, Santhome High Road,
Santhome,
Chennai-600 028.

2. The District Registrar Vellore,
Fort, Vellore-4.

+1cc to the Government Pleader, S.R.No.63812

W.P.No.15749 of 2012
and M.P.Nos.2 and 5 of 2012

KV (CO)
PM/15/12/2021