

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SESHASAYEE

WP.No.2790 of 2021

M.Sakarai

...Petitioner

-Vs-

1.The District Registrar,
Registration Department,
District Registrar Office,
SalaiVinayagar temple street,
Dharmapuri - Town & District,
Pin - 636 701.

2.The Sub-Registrar(West),
Registration Department,
District Registrar Office,
SalaiVinayagar temple street,
Dharmapuri-Town&District,
Pin - 636 701.

3.K.Unnikrishnan

4.N.Mugandan

5.M.Mani

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the 2nd Respondent dated 20.11.2020 in Na.Ka.No. /2020 and quash the same and direct the 1st and 2nd Respondent to remove the illegal entires pertaining in the petitioner property described in S.No.584/2A, 1A, and 1B measuring 1.49.50 and 0.01.0 Hectares respectively situated at Nathahalli Village, Nallampalli Taluk, Dharmapuri District.

For Petitioner : Mr.V.R.Annagandhi

For R1 & R2 : Mr.T.M.Pappiah

Special Government Pleader

ORDER

The petitioner claims that he is the owner of the property in Sy.No.584/2A, 1A, and 1B of Nathahalli Village, Nallampalli Taluk, Dharmapuri District. While so, a third respondent with zero right to the property had executed a sale agreement in favour of respondents 4 and 5, which is registered by the second respondent. The petitioner now seeks cancellation of the said document.

2.Heard, Mr.T.M.Pappiah, learned Special Government

<https://hcservices.ecourts.gov.in/hcservices/>
Pleader appearing for respondents 1 and 2

3. Primarily, a sale agreement does not create any title to the property. If the petitioner's statements were true then, what is now alleged is only an attempt to interfere with his title. At any rate, in view of the Judgment of the Hon'ble Supreme Court in Satya Pal Anand Vs. State of Madhya Pradesh & others [2016 10 SCC 767], this Court cannot direct the second respondent to cancel the document and if at all the petitioner feels aggrieved, he is free to move the appropriate civil Court for such appropriate remedies.

4. In the meantime, the second respondent however, may consider the petitioner's representation dated 18.11.2020 for the purpose of Section 82 r/w Section 83 of the Registration Act, after hearing such parties who are likely to be affected by any decision of his enquiry, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of accordingly. No costs.

6. Post for reporting compliance on 16.04.2021.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Tsg

To

1. The District Registrar,
Registration Department,
District Registrar Office,
SalaiVinayagar temple street,
Dharmapuri - Town & District,
Pin - 636 701.

2. The Sub-Registrar (West),
Registration Department,
District Registrar Office,
SalaiVinayagar temple street,
Dharmapuri-Town&District,
Pin - 636 701.

+1cc to Mr.V.R.Anna Gandhi, Advocate, S.R.No.8241

+1cc to the Government Pleader, S.R.No.8258

Order made in
W.P.No.2790 of 2021