

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 20.04.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.22846 of 2018

N.Balaji

... Petitioner

Vs.

- 1.The Inspector General of Registration
100, Santhome High Road,
Mylapore, Chennai - 641 028.
- 2.The Commissioner of Police,
Coimbatore City Police,
Coimbatore.
- 3.The Coimbatore District Registrar,
Coimbatore District Collectors Office Campus
102, State Bank Road,
Gopalapuram, Coimbatore - 641 018.
- 4.The Sub Registrar Sultur
Sub Registrar Office in Sultur
Coimbatore - 641 402.
- 5.R.Saraswathy

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein more particularly the 4th respondent herein to register the cancellation of Sale agreement in Document No.9419/12.

For Petitioner : Mr.M.Balaji

For Respondents 1, 3 & 4 : Mr.P.Purushothaman
Government Advocate

For 2nd Respondent : Mr.J.Pothiraj
Special Government Pleader

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents herein more particularly the fourth respondent herein to register the cancellation of Sale agreement in Document No.9419/12.

2.The case of the petitioner is that there has been an agreement of sale which was registered as Document No.9419/12 on the file of the respondent Sub Registrar Office and subsequently the parties including the petitioner wanted to cancel the same, therefore, when he approached the respondent Sub Registrar Office, they refused to cancel the sale agreement i.e. Document No.9419/12, therefore, in order to get it cancelled and in this aspect, since they want a writ of mandamus issued to the respondent Sub Registrar office, the petitioner approached this Court with the aforesaid prayer.

3.Heard Mr.M.Balaji, learned counsel appearing for the petitioner who has reiterated the aforesaid and seeks indulgence of this Court.

4.However, Mr.P.Purushothaman, learned Government Advocate appearing for official respondents, on instruction, would submit that, if at all the petitioner desires to cancel the sale agreement which was already registered as Document at the respondent Sub Registrar Office, the petitioner shall approach the Sub Registrar Office with original sale agreement which was registered as Document No.9419/12 with a consent of the parties concerned and only after verifying the same, needful would be done by the respondents. However, in the case in hand, according to the instruction received by the learned Government Advocate, the petitioner though has approached the Sub Registrar's Office seems to have stated that, he has lost the original sale agreement, without the sale agreement and without giving a complaint to the concerned Police and after tracing the lost document pursuant to the complaint given in this regard, a certificate to be given by the Police is to be also submitted by the petitioner, the plea of the petitioner cannot be considered.

5.I have considered the said submissions made by the learned counsel appearing for the parties especially the learned Government Advocate appearing for official respondents.

6.As rightly pointed out by the learned Government Advocate appearing for the official respondents, if at all the petitioner wants to cancel the sale agreement which was registered as Document No.9419/12, the original sale agreement shall be produced before the Sub Registrar Office where it has already been registered and accordingly the cancellation of document

shall be executed and be presented to the Sub Registrar Office, unless the said procedure is followed, the plea of the petitioner cannot be accepted to cancel the document by making an oral representation, therefore, the plea raised by the petitioner and the prayer sought for in this writ petition cannot be considered and granted by this Court. Therefore, this Court is inclined to dismiss this writ petition, of course with the observation that if at all in future, the petitioner comes forward to give the original sale agreement i.e. Document No.9419/12 on the file of the Sub Registrar Office with a plea to cancel the sale agreement, the same can be considered by the respondent Sub Registrar Office on merits and a decision can be taken thereon. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Sgl

To

- 1.The Inspector General of Registration
100, Santhome High Road,
Mylapore, Chennai - 641 028.
- 2.The Commissioner of Police,
Coimbatore City Police,
Coimbatore.
- 3.The Coimbatore District Registrar,
Coimbatore District Collectors Office Campus
102, State Bank Road,
Gopalapuram, Coimbatore - 641 018.
- 4.The Sub Registrar Sular
Sub Registrar Office in Sular
Coimbatore - 641 402.

+1 cc to Government Pleader Sr.No. 24653

W.P.No.22846 of 2018

A.SK(09.06.2021)