

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 20.04.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.24092 of 2018

G.Murugan

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome, Mylapore, Chennai.

2.The District Registrar,
Office of the District Registrar,
Tiruvannamalai.

3.The Sub Registrar,
Office of the Sub Registrar,
Tiruvannamalai.

4.The Joint Sub Registrar II,
Tiruvannamalai.

5.A.Murugan

6.Alamelu
W/o. R.Kuppusamy, Pillayar Koil Street,
Alathur Village, Chengam Taluk,
Tiruvannamalai District.

[R6 cause title amended vide order
dated 20.04.2021 made in W.M.P.No.34039/2018] ... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 to cancel the sale deed document No.7232 of 2017 dated 07.12.2017 executed by the fifth respondent to the sixth respondent and also to effect the consequent entries in the Encumbrance certificate and to initiate appropriate action under Section 82 of the Registration Act, 1908 against the respondents 5 and 6.

For Petitioner : Mr.G.Rajan

For Respondents 1 to 4 : Mr.B.Kannan
Government Advocate

For Respondents 5 & 6 : No appearance

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents 1 to 4 to cancel the Sale Deed Document No.7232 of 2017 dated 07.12.2017 executed by the fifth respondent to the sixth respondent and also to effect the consequent entries in the Encumbrance certificate and to initiate appropriate action under Section 82 of the Registration Act, 1908 against the respondents 5 and 6.

2.Heard Mr.G.Rajan, learned counsel appearing for the petitioner and Mr.B.Kannan, learned Government Advocate for the official respondents.

3.The petitioner has sought for the prayer to cancel the sale deed dated 07.12.2017 which was registered as Document No.7232 of 2017 on the file of the respondents Sub Registrar Office and to conduct an enquiry under the provisions of the Registration Act against the officials of the respondents Department.

4.The learned Government Advocate appearing for the official respondents would submit that, if at all any sale deed is executed and the same having been registered duly, the sale deed cannot be cancelled by the Registering Authority and for the said purpose, the parties have to be relegated to approach the Civil Court to get a declaration to that effect declaring the sale deed is null and void and except this procedure, no other method is available in the eye of law to cancel the sale deed which has already been executed and registered.

5.This Court has considered the said submissions made by the learned Government Advocate appearing for the official respondents and finds force in the said submission as it is correct that the sale deed once executed and registered in a concerned Registrar Office and the sale deed has been released accordingly, whatever be the reason for challenging the sale deed or cancelling the same, the remedy available to the aggrieved party is to approach the Civil Court to get it declared as null and void as the power of cancellation of the sale deed is not vested with the Registering Authority under the law.

6. Therefore, the said submission made by the learned Government Advocate appearing for the official respondents is to be accepted and hence, this Court feels that the prayer sought for in this writ petition cannot be granted, hence, while dismissing the writ petition, it is observed that the parties are at liberty to approach the competent Civil Court to get the remedy in the manner known to law. Accordingly, the Writ Petition is dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Inspector General of Registration,
Santhome, Mylapore, Chennai.
2. The District Registrar,
Office of the District Registrar,
Tiruvannamalai.
3. The Sub Registrar,
Office of the Sub Registrar,
Tiruvannamalai.
4. The Joint Sub Registrar II,
Tiruvannamalai.

+1cc to Mr.G.Rajan, Advocate, S.R.No.24164
+1cc to the Government Pleader, S.R.No.24680

LN(CO)
CB(06/07/2021)

W.P.No.24092 of 2018

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