



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.42763 OF 2016

A.Radhakrishnan

... Petitioner

-Vs-

1. The Sub Registrar,
Tiruporur,
Kanchipuram District.
2. Anwar R.P.M.Adam,
R2 impleaded as per order
this Court dated 19.06.2017
in W.M.P.No.16296 of 2017
in W.P.No.42763 of 2016

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to assign regular number to the sale deed dated 27.07.2009 executed in favour of the petitioner in pending document No.P200990224, on the file of the respondent and to release the same to petitioner based on the petitioner's representation dated 26.09.2016.

For Petitioner : No appearance

For Respondents

For R1 : Mr.Richardson Wilson
Government Advocate.

For R2 : Mr.R.Kannan



ORDER

The Writ Petition has been filed to direct the first respondent to assign regular number to the sale deed dated 27.07.2009, which was presented for registration in Document No.P200990224 on the file of the first respondent and to release the same to the petitioner based on his representation dated 26.09.2016.

2. Heard Mr.Richardson Wilson, learned Government Advocate appearing for the first respondent and Mr.R.Kannan, learned counsel appearing for the second respondent. No one is appeared on behalf of the petitioner.

3. According to the petitioner, he purchased the subject property by the sale deed dated 27.07.2009 from G.Bhuvaneswari and Saraladevi represented through their Power Agent one Aiswarya. Thereafter, the said sale deed was presented for registration in pending document No.P200990224. At that juncture, the second respondent also claimed the very same property and obstructed the petitioner's possession and enjoyment of the said property. The second respondent claimed the subject property through a registered sale deed vide Document No.7737 of 2007 executed by the said Aiswarya.

4. In this regard, the petitioner also lodged complaint and subsequently he came to know that the said Aiswarya was impersonated as if, the original owners executed the Power of Attorney in her favour and through her the alleged sale deed executed in favour of the second respondent. The petitioner further averred that he has purchased the subject property for valuable consideration and prayed to direct the first respondent to assign regular document number to the pending sale deed.

5. The learned Government Advocate appearing for the first respondent filed counter and submitted that on the complaint lodged by the petitioner, the Inspector of Police, CBCID, Kancheepuram registered a case and after investigation, they filed final report and the same has been taken cognizance in C.C.No.17 of 2015 on the file of the learned Judicial Magistrate No.I, Chengalpattu. In the said crime, the document which was pending on the file of the first respondent in



document No.P200990224 has been seized by the Inspector of Police, Kancheepuram and it is part and parcel of the material evidence in C.C.No.17 of 2015. Therefore only after trial, the direction sought for in this Writ Petition can be considered by the first respondent.

6. Considering the above facts and circumstances of the case, the prayer sought for in this petition cannot be considered and the Writ Petition is devoid of merits and liable to be dismissed. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

rts

To

The Sub Registrar,
Tiruporur,
Kanchipuram District.

+1cc to the Government Pleader, S.R.No.39457

W.P.No.42763 of 2016

PCH(CO)
RLP(16/09/2021)