



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P. NO. 18715 OF 2021

M.Govindan

.. Petitioner

Versus

1. The Registrar General,
Tamil Nadu Govt. Registration Department,
100, Santhome High Road,
Chennai - 600 028.
2. The Sub Registrar,
Sub Registrar Office,
Kilkodungalur,
Vandavasi Taluk,
Thiruvannamalai District - 604 403.
3. Father Gnana Jothi

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first and second respondents to cancel the affidavit dated 17.06.2015 of the third respondent registered as Doc. No.1106 of 2015 on the file of the second respondent, notifying it as cancelled document.

For Petitioner : Mr.M.Kalyanasundaram
for Mr.R.Vasudevan

For Respondents 1&2 : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus directing the first and second respondents to cancel the affidavit dated 17.06.2015 of the third respondent registered as Doc. No.1106 of 2015 on the file of the second respondent, notifying it as cancelled document.



2. The case of the petitioner is that he purchased 17 cents of land comprised in Survey No.66/B1 in Salavedu Village, Vandavasi Taluk, Thiruvannamalai District, from the third respondent by way of registered sale deed dated 30.12.1988 vide document No.12/1989, registered on the file of the Sub-Registrar, Kilkondungalur, Vandavasi. It is stated that the petitioner has been issued computerised patta for the aforesaid land by the Deputy Tahsildar, Vandavasi. While that being so, some third parties filed an affidavit dated 17.06.2015 registered as Doc. No.1106 of 2015, on the file of the second respondent, stating that the third respondent's father name is R.Swaminathan, and it has been wrongly represented as Prakasam and that the land conveyed to the petitioner neither belonged to the petitioner nor belonged to the church and it was mistakenly executed and registered. It is further stated that this affidavit has been filed after 26 years of registration of sale deed dated 30.12.1988. It is further stated that the Highways Department proposed to take 1 ½ cents out of 17 cents in the aforesaid property and on enquiry the petitioner was told that in view of the affidavit filed by the third respondent registered as Doc. No.1106 of 2015 on the file of the second respondent, notice was not sent to the petitioner. Hence, the petitioner made a representation dated 29.03.2021 to the first and second respondent to cancel the affidavit of the third respondent registered as Doc. No.1106 of 2015 dated 17.06.2015. It is stated that the petitioner has also sent a notice to the third respondent to cancel the affidavit dated 17.06.2015 registered as Doc. No.1109/15 on the file of the second respondent. Since there was no response from the respondents, left with no other alternative remedy, the petitioner approached this Court by way of filing this writ petition.

3. Learned counsel for the petitioner submitted that as per the provisions of the Indian Stamp Act and Registration Act, there is no provision to cancel or dispute a registered document by the vendor after twenty six years by filing an affidavit and getting it registered on the file of second respondent. He further submitted that the respondents 1 and 2 being Public Authorities are bound to act accordingly to law and as such they must have cancelled the affidavit of the third respondent dated 17.06.2015.

4. Learned Government Advocate submitted that this Court may direct respondents 1 and 2 to consider the representation of the petitioner and the respondents 1 and 2 may consider the same and pass appropriate orders.

5. Considering the facts and circumstance of the case, this Court is of the view that though the petitioner prayed for a



larger relief, it would suffice if a direction is issued to the authorities to consider and dispose of the petitioner's representation. Accordingly, this Court directs the respondents 1 and 2 to consider the petitioner's representation dated 29.03.2021 and dispose of the same on merits and in accordance with law, after affording sufficient opportunity to the parties of being heard, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar General,
Tamil Nadu Govt. Registration Department,
100, Santhome High Road,
Chennai - 600 028.
2. The Sub Registrar,
Sub Registrar Office,
Kilkodungalur,
Vandavasi Taluk,
Thiruvannamalai District - 604 403.

+1cc to M/s.R.Vasudevan, Advocate, S.R.No.56368

+1cc to the Government Pleader, S.R.No.56221

W.P. No. 18715 of 2021

SMI (CO)
RLP (29/12/2021)