

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5/1/2021

C O R A M

THE HON'BLE MR.JUSTICE S.SUNDAR

Writ Petition No.26702 of 2017

a n d

W.M.P.No.38052 of 2017

1. Munikrishna  
2. Yellamma ... Petitioners  
(Rep by their Power Agent  
G.C.Ramasamy)

Vs

1. The District Collector  
Krishnagiri District  
Krishnagiri.  
2. The District Revenue Officer  
Krishnagiri  
Krishnagiri District.  
3. The Tahsildar  
Hosur Taluk  
Krishnagiri District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the first and second respondents to conduct a proper enquiry based upon the documents and evidence on hand pertaining to the cancellation of sale deeds bearing Nos.2316/200, 4284/2012 and 3975 of 2009 registered before SRO Hosur and patta bearing No.452 and direct the third respondent to issue fresh patta in the name of the petitioner/land owners for the dry land bearing S.No.45/8H Govinda Agraharam Village, Hosur Taluk, Krishnagiri District, based on the petitioner's representation dated 17/10/2016.

For petitioner ... Mrs.R.Aparna

For respondents ... No appearance

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O R D E R

This writ petition is for the issuance of a writ of mandamus, directing the first and second respondents, to conduct proper enquiry, based upon the documents and evidence on hand, pertaining to the cancellation of sale deeds, bearing

Nos.427/1982, 2316/2004, 4284/2012 and 3975/2009, based on the petitioner's representation, dated 17/10/2016.

2. In the representation, it is stated that the petition itself is by the Power of Attorney Agent of Munikrishna and Yellamma. Petitioners are represented by their Power of Attorney Agent by name G.C.Ramasamy. In the representation, Power of Attorney Agent seeks cancellation of certain documents, which according to the petitioners were illegally registered, on the basis of fabricated documents. Unfortunately, the representation was made before the revenue official, who is also one of the respondents in the writ petition. The grievance of the petitioners is that some third parties have dealt with the property and that therefore, the petitioners seek cancellation of document. It is to be noted that none of the parties to the documents are made as parties. However, a petition in W.M.P.No.38052 of 2017 is filed to implead 4 to 13 respondents as respondents in the instant writ petition. Even the Registrar, under the Registration Act has no power to cancel the registration, if the document is validly executed and registered by the registering authority. The document which was dealt with by strangers is not binding on the petitioners and therefore, the petitioners right cannot be curtailed by such document in which the petitioners are not parties. It is not the case of the petitioners that documents were registered by impersonation. Further, the revenue official has no jurisdiction to declare the invalidity or the status of a document executed between the parties. Hence the whole writ petition is misconceived and this Court, cannot entertain this type of writ petition.

3. Accordingly, instant writ petition is dismissed. Liberty is given to the petitioners to approach the Civil Court to establish their title and proceed appropriately, in case, the petitioners have title and cause of action. No costs. Consequently, connected Miscellaneous Petition No.38052 of 2017 is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

mvs.

To

1.The District Collector  
Krishnagiri District  
Krishnagiri.

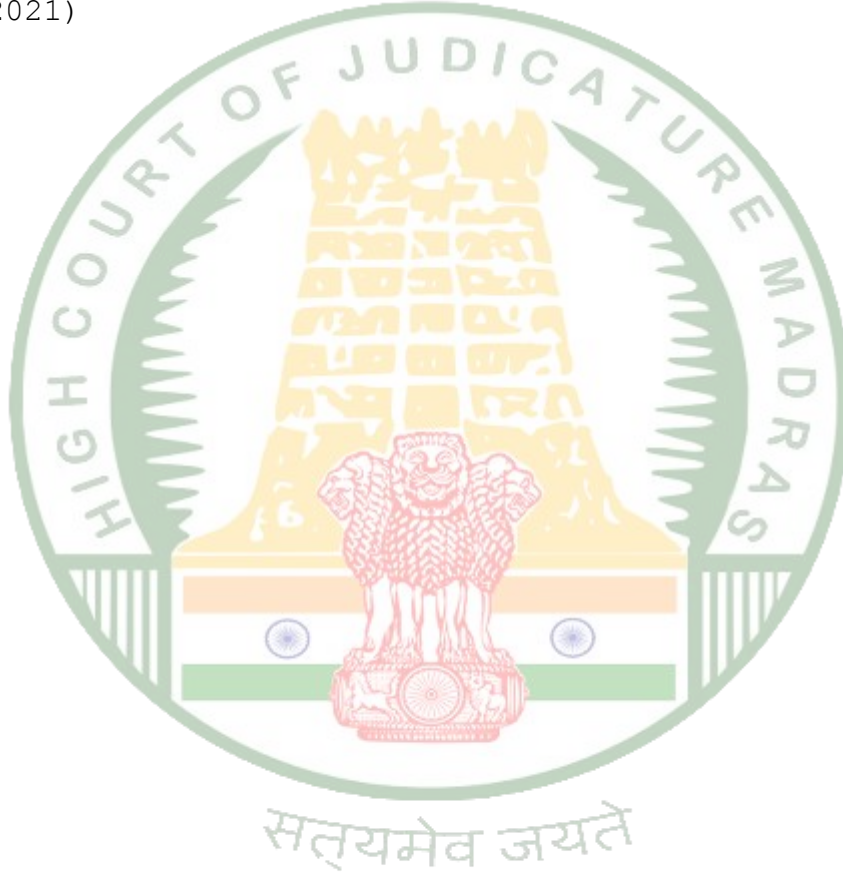
2.The District Revenue Officer  
Krishnagiri  
Krishnagiri District.

3.The Tahsildar  
Hosur Taluk  
Krishnagiri District.

+1cc to the Government Pleader SR.528

W.P.No.26702 of 2017

EV(CO)  
CB(16/02/2021)



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