



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 17.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD)No.3037 of 2021

S.Ayyanar

... Petitioner

- Vs -

1.The Inspector General of Registration,
100, Santhom High Road,
Chennai - 600 028.

2.The District Registrar Office,
Periyakulam,
Theni District.

3.The Sub Registrar,
Devaram,
Theni District.

4.K.Sivasankar

5.Umamaheswari

6.M.K.Ganesaraja

7.Kaasi Vishwanathan

8.R.Manimehalai

9.K.Balakkanan

10.S.Lakshmanan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 particularly the second respondent to cancel the sale agreement and sale deed of the respondents 4 to 10 registered as document No.2774/2015, dated 14.10.2015 and document No.2020/2016, dated 01.08.2016 at the third respondent Sub Registrar Office.

For Petitioner

: Mr.R.Murugappan

For Respondents

: Mr.K.Sathiya Singh

1 to 3

Additional Government Pleader

ORDER

The petitioner is being aggrieved by a registration of sale deed of the respondents 4 to 10 as document No.2774/2015, dated 14.10.2015 and Document No.2020/2016 dated 01.08.2016 in the third respondent office, as according to him, the sale deeds were registered fraudulently. According to him, the schedule properties of the sale deed registered in fact had been leased out to him in



1989 itself and when the lease period is in subsistence a sale transaction was entered into illegally and also the document was registered fraudulently. Therefore, the petitioner is before this Court seeking direction to the respondents 1 to 3 to cancel the sale agreement and sale deed.

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2.This Court is not inclined to entertain this Writ Petition for more than one reasons. Firstly, whether the sale agreement or sale deed was registered illegally or fraudulently cannot be a subject matter of enquiry by this Court exercising its extraordinary jurisdiction under Article 226 of the Constitution of India and even no such direction could be issued to the official respondents on the basis of the self-serving averments of the petitioner in the Writ Petition. Secondly, the averments in the affidavit are grossly insufficient to intervene in the matter at the instance of the petitioner as the affidavit is rather sketchy which cannot be the basis of issuing any direction. Thirdly, the transaction which are said to have illegally happened were of the year 2015 and 2016 and nothing has been explained in the affidavit as to why the petitioner has chosen to approach this Court in 2020. In fact, in the prayer nothing has been stated as to whether any representation has been submitted to the authorities concerned in this regard.

3.In the said circumstances, this Court is of the view that the proper recourse for the petitioner is to approach the Civil Court and seek appropriate remedies and not before this Court in a writ jurisdiction. This Court is least convinced about the claim of the petitioner vis-à-vis the registration of sale agreement or sale deed as the case may be and it is all the more reason that the proper remedy is before the Civil Court.

4.Therefore, the Writ Petition is dismissed as not maintainable. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM
To

1.The Inspector General of Registration,
100, Santhom High Road,
Chennai - 600 028.

2.The District Registrar Office,
Periyakulam,

<https://hcservices.sreemts.gov.in/hcservices>



3.The Sub Registrar,
Devaram,
Theni District.

+1 CC to M/s.AGP (SR-5962[F] dated 18/02/2021)

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W.P (MD) No.3037 of 2021
17.02.2021

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