



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.02.2021

CORAM:

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

W.P. (MD)No.2457 of 2021

and

W.M.P. (MD)Nos.2046 and 2047 of 2021

WEB COPY

Sajeev Poovempilly

... Petitioner

- Vs -

1.The District Registrar,
District Registration Office,
Thoothukudi District,
Thoothukudi.

2.The District Registrar,
District Registration Office,
Tirunelveli District,
Tirunelveli.

3.The Sub Registrar,
Sub Registration Office,
Nazarath,
Thoothukudi District.

4.The Sub Registrar,
Sub Registration Office,
Gangaikondan,
Tirunelveli District.

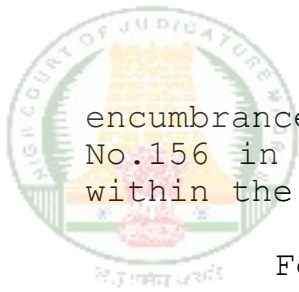
5.T.Senthil Kumar,
The Sub Registrar,
Sub Registration Office,
Gangaikondan,
Tirunelveli District.

6.The Inspector of Police,
Nazarath Police Station,
Nazarath,
Thoothukudi District.

7.Venkatesh

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the entire record pertaining to the impugned fraudulent sale deed in Document No.295/2020 dated 03.02.2020, registered on the file of the fourth respondent and cancel the same as illegal and consequently direct the respondents 1 to 4, to remove the



encumbrance made in the Encumbrance Certificate in respect of survey No.156 in Kurippankulam Village, Eral Taluk, Thoothukudi District, within the stipulated time.

For Petitioner : Mr.P.M.Vishnuvarthanan
For Respondents : Mr.K.Sathiya Singh
1 to 4 Additional Government Pleader

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ORDER

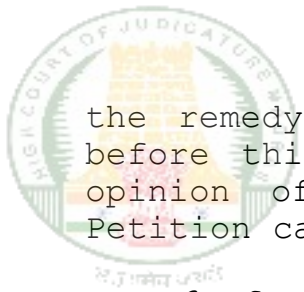
The case of the petitioner is that he is the absolute owner of the property in Survey No.156 in Kurippakulam Village, Eral Taluk, Tuticorin District, by virtue of a registered sale deed in Document No.916/1994 registered on the file of the third respondent. According to him, he purchased the property from his vendor one Savarimuthu, son of Late Antony. Ever since the purchase of the property, the petitioner is in exclusive possession and enjoyment of the same. The petitioner has been carrying on his agricultural activities in the land.

2.The further case of the petitioner is that he has purchased about 7 acres of land adjacent to his property in Survey No.156 vide different sale deed on two different dates all registered before the third respondent. While so, the petitioner, to his shock, came to know in September, 2020, that the seventh respondent had registered a fraudulent sale deed in his name in respect of the patta property stands in the name of the petitioner in respect of Survey No.156, that too, the registration was done in another Sub Registrar Office, the fourth respondent, who is also functioning under the control of the second respondent.

3.According to the petitioner, the fraudulent registration of document came to his knowledge on 29.09.2020. Thereafter, it appears that the petitioner has lodged a police complaint and also sent representations to Registration Department as well as to the Hon'ble Chief Minister's Cell. As there was no reply and no action was forthcoming, the petitioner is before this Court seeking to quash the sale deed dated 03.02.2020.

4.From the above factual narrative, it could be seen that the Writ of Certiorari has been invoked by the petitioner to quash the sale deed principally on the ground that it was a fraudulent sale deed which was sought to be executed by the private respondents. This Court is unable to appreciate as to how this Court in exercise of its constitutional jurisdiction under Article 226 of the Constitution of India can set aside the sale deed on the basis of certain self-serving averments of the petitioner.

5.The petitioner has averred that the seventh respondent has fraudulently registered the sale deed by impersonation and in that regard, police complaint has also been lodged. Instead of pursuing



the remedy before the appropriate legal forum, the petitioner is before this Court for setting aside the sale deed, which in the opinion of this Court, is absolutely untenable and such Writ Petition cannot be entertained even for a second.

6.If the petitioner is aggrieved by any fraudulent transaction which was registered before the Registering Authority, the proper course open to him to approach the authority to conduct enquiry into the registration or to approach the Civil Court to have the sale deed set aside. For cancellation of the sale deed or for setting aside the same, due enquiry and investigation is required and it is a matter of letting in evidence to establish the factum of fraud or otherwise while getting the sale deed registered. Such enquiry or investigation does not come under the domain of writ jurisdiction and this Court certainly cannot venture into the area of conducting enquiry, collect facts and adjudicate competing rival claims and resolve the contending factual controversies qua-parties.

7.In the above circumstances, this Court is of the considered view that the Writ Petition is misconceived and is not maintainable and hence, the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

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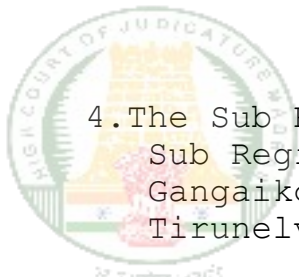
Sub Assistant Registrar(CS)

SRM
To

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Thoothukudi District,
Thoothukudi.

2.The District Registrar,
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Tirunelveli District,
Tirunelveli.

3.The Sub Registrar,
Sub Registration Office,
Nazarath,
Thoothukudi District.



4.The Sub Registrar,
Sub Registration Office,
Gangaikondan,
Tirunelveli District.

5.The Inspector of Police,
Nazarath Police Station,
Nazarath,
Thoothukudi District.

+1 CC to M/s.P.M.VISHNU VARTHANAN, Advocate (SR-4225[F] dated
10/02/2021)

+1 CC to M/s.SPL GP (SR-4620[F] dated 11/02/2021)

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